Date Received	Your Name	Organization Representing	Email Address	Address	Comments
04/08/26 12:57 PM	Steven Parsons	Surrey Ridge Estates	vmiparsons@gmail.com	9411 Heather Drive	We aggressively reject the Hill Camp development and all newly submitted responses, plans, studies, etc. Their wildlife documents claim that the land is not used by elk, yet I see them daily on the exact spot where they plan to build hundreds of homes. I've attached photos for proof. The ones grazing on the proposed development site are part of a larger herd of 50+ elk. Additionally, the fire risks remain ignored. The development sits at the top of the bluffs and acts as a wind trap. It will be among the first to go up in flames. Fire response will have to meander through Surrey Ridge and McArthur Ranch, resulting in significantly delayed response times. Surrey Ridge is served by only one singular underpass that can accommodate fire trucks of the required size. Responders would then have to navigate the winding streets of Surrey Ridge, dodging dog walkers, horse riders, children on bikes, wildlife, and more. We don't have sidewalks, so all vehicle and pedestrian traffic shares the roadway in Surrey Ridge. I am disgusted by the perceived need to develop every unused inch of open space in Douglas County. Any elected officials voting in favor of or approving this proposed development will most assuredly not receive votes from constituents in the surrounding area. I will personally use my network and financial resources—built from a distinguished military and airline career—to ensure we fight for and vote in new representation. We are sick and tired of the blatant disregard for wildlife, scarce water resources, fire mitigation and response, and traffic/congestion issues. Hill Camp will block vista views, push out grazing wildlife, add to the fire danger, and increase the pressure on our already stressed water and other resources. We want NO emergency vehicle access to Heather Drive in Surrey Ridge. It is unsafe and inefficient/impractical for emergency response. We haven't stayed in Colorado for 4 generations so we can be overrun by development. We purchased here to enjoy open space, wildlife, outdoor recreation, and a safe, close-knit community. Please consider how this affects all of your constituents. We do not support any part of the Hill Camp proposed development.
04/08/26 1:18 PM	Kyle Vistuba	Douglas County Assessor	kvistuba@douglas.co.us	301 Wilcox St	Please make sure all owners have a signature block and sign the plat before it is recorded, it appears Retreat at Ridgegate LLC owns parent parcel tract C-1 but does not have a signature block on the plat.
04/09/26 7:26 AM	Geoffrey Meyer	self	geoffmeyer@me.com	10556 Ladera Dr.	Attached
04/09/26 7:27 AM	Amy Meyer	self	Amy_tamu99@yahoo.com	10556 Ladera Dr.	Attached
04/09/26 8:11 AM	Drayton K Sanderson	Parker Water & Sanitation District	dsanderson@pwsd.org	13939 Ancestry Drive Parker Colorado 80134	PWSD has no comment on the Final Plat - Hillcamp Trail Filing No. 1 portion of this project. Lone Tree is welcome to move forward with this approval.
04/10/26 10:43 AM	Zachary Gabehart	Arapahoe County Public Airport Authority	zgabehart@centennialairport.com	7565 S. Peoria St. Unit D9 Englewood, CO 80112	See attached letter.
04/13/26 7:58 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	Please see the attachment
04/14/26 8:20 AM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	See attached.
04/16/26 9:45 AM	Krystal and Reese Ruddy	Wildcat Ridge	krystalruddy@gmail.com	10512 Jaguar Glen Lone Tree, CO 80124	Attached
04/21/26 9:53 AM	Val Endyk	Cherry Creek Basin Water Quality Authority	landusereferral@ccbwqa.org	PO Box 3166Centennial CO 80161	The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from the City of Lone Tree that the proposed development plans for SB25-0014, Proposed Extension of Cabelo Drive to Provide Vehicular Access to Proposed Hillcamp Community have been or will be reviewed by the City of Lone Tree for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to the City of Lone Tree's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted.
04/23/26 6:02 PM	Patrick Hutchinson	America, Neighbor, Community Member, Tax Payer, Citizen	pdhutchinson@gmail.com	9588 Viewside Drive	Attached
04/26/26 11:12 PM	Andrew Schnackenberg		Schnack_33@yahoo.com	9441 NIGHT STAR PL	Attached
04/27/26 2:28 PM	Maciek Ziernicki		mziernicki@gmail.com	10771 S Monaco St	I submitted a comment during the first review period in February. The community response letter addressed many of my concerns. However, one concern was not addressed. Many of my concerns about cyclist and pedestrian safety, and quality of life impacts, pertained to traffic. Although the response letter clarified that access to the proposed development via McArthur Drive would not be available to regular vehicle traffic, but rather only to emergency traffic, the letter made no mention of construction traffic while these roads and gates are being constructed. For all the same reasons I outline in my previous comment, it is critical that construction traffic is also not accessing the new development area via McArthur Drive, for any reason including the building of new roads, or building gates to control access to those roads. Access for construction vehicles should only be provided from the East, as the area near Wildcat Ridge has too much pedestrian and cyclist traffic, and is impacted in unique ways as I described in my previous letter. There is a history of dangerous safety issues in this area, which includes at least one vehicle accident involving a school-aged pedestrian. If there is any intention to allow construction traffic to travel down McArthur Drive during the course of this project, please reference my previous comment letter to understand the multiple reasons this should not be considered. If you have any questions or need any clarification, please contact me at 720-961-3790. Thank you, Maciek Ziernicki
05/08/26 1:17 PM	Jeni Reilly		jeni.reilly@gmail.com	16189 rock crystal dr parker co 80134	Attached
05/10/26 3:28 PM	Matthew Ryan		ryanmatthew4731@gmail.com	9730 Halstead Ln Lone Tree CO. 80124	The proposal does not take any geological studies into consideration with regards to building a road up to the hillcamp property. I frequently utilize the east/west trail, the proposed section for the road is one of the most prone sections to landslides and unstable building ground. You can see the natural erosion all throughout that canyon. Not only that, but the desired road section is also home to some of the most wildlife that area, especially with it being very vegetative and diverse. Any road that is built there will be a nightmare for future maintenance costs with the surrounding unstable and landslide-prone land. And that is before hundreds of people drive up and down it everyday. Not to mention, once a road is there, hundreds of native wildlife plants and animals will have nowhere to go, effectively destroying a local and unique ecosystem. I've seen upwards of 50 deer along this stretch of the east/west trail on any given day. Please reconsider. The local and surrounding communities do not want this development.
05/14/26 11:17 AM	Sarah Lonsdale	Home owner	sjlonsdale@yahoo.com	9466 vista Hill Lane, Lone Tree, CO 80124	As a Lone Tree resident and active user of the Bluff trails I am very concerned with this development and environmental impact on the entire Bluffs ecosystem.
05/16/26 9:30 AM	Matthew Ryan		ryanmatthew4731@gmail.com	9730 Halstead Ln Lone Tree CO. 80124	I saw 15 deer in the bluffs yesterday morning. Along with an Authentic Drilling truck just sitting in the middle of the proposed development land. What was supposed to be a peaceful place to help with our mental health is starting to feel like an attack on our safe places. Please don't pave a road right through the natural landscapes and wildlife. It feels like the movie Avatar when they destroy the giant home tree that the natives passed down for generations. Don't be those people.

05/16/26 9:32 AM	Philip Woodworth		pawdwrth@mac.com	10704 Bluffside Dr.Lone Tree, CO 80124	There was no Web LINK for the final submission 4. Final Plat for Proposed Extension of Cabela Drive to Provide Vehicular Access to Proposed Hillcamp Community (Application Number SB25-0014) I am submitting it here. (Please reference attached .pdf and .jpg) The Hillcamp proposal is not an ordinary subdivision. It is one of the final major development decisions affecting the RidgeGate west-side upland landscape, the Bluffs viewshed, the East-West Regional Trail experience, and the long-term edge condition between Lone Tree's urban development and its open-space identity. Once approved and built, the transformation will be permanent. The applicant has not met the burden necessary for approval of the current proposal. The applications are overdependent on a single full-time access corridor, improperly segmented despite functional interdependence, excessively reliant on deferred future approvals, and insufficiently protective of wildfire evacuation, geotechnical stability, drainage resilience, viewshed integrity, and long-term public safety. The City should deny the applications as currently proposed. At minimum, the City should continue the applications and require a comprehensive redesign that includes a second permanent, paved, full-time public southern access road and express cross-dependent treatment of all four applications. This decision will determine not only whether Hillcamp is built, but whether it is built safely, responsibly, and consistently with the City's stated values regarding open space, ridgeline protection, and long-term community resilience. The City should not accept avoidable risk where a safer, more resilient alternative - a true second full-time access corridor - is both identifiable and necessary.
05/16/26 4:42 PM	Mar Woodworth		pawdwrth@yahoo.com	10704 Bluiffside DrLone Tree, CO 80124	-There is an attached PDF that needs to be reviewed as part of this Comment. The Hillcamp proposal is not an ordinary subdivision. It is one of the final major development decisions affecting the RidgeGate west-side upland landscape, the Bluffs viewshed, the East-West Regional Trail experience, and the long-term edge condition between Lone Tree's urban development and its open-space identity. Once approved and built, the transformation will be permanent. The applicant has not met the burden necessary for approval of the current proposal. The applications are overdependent on a single full-time access corridor; improperly segmented despite functional interdependence; non-compliant with the Lone Tree subdivision code's drainage criteria on the present record; reliant on a sole-access road with multiple slope-stability factor-of-safety values below the developer's own preferred minimum; reliant on geotechnical modeling the developer's own consultant has identified as difficult to do reliably; reliant on the developer's own engineer's recommendation that the developer cannot follow on this alignment; and excessively reliant on deferred future approvals for the most critical life-safety, slope, drainage, evacuation, and visual-impact questions. The City has, on its own record, a southern Surrey Drive alignment — Alternative 7, 4.7% grade — that meets all City and Fire Department public-roadway criteria. The developer's own paid consultant analyzed it. The developer's own paid consultant dismissed it with conclusory statements the City Planning Division has already found inadequate. There is no engineering reason the project must rely on a single northern access. There is every public-safety and public-interest reason the project must not. The City should deny the four Hillcamp applications as currently proposed. At minimum, the City should continue the applications and require a comprehensive redesign that includes a second permanent, paved, full-time public southern access road from North Surrey Drive, express cross-dependent treatment of all four applications, an integrated Wildfire Mitigation Plan certified by SMFD, and the conditions specified in §XIV. This decision will determine not only whether Hillcamp is built, but whether it is built safely, responsibly, and consistently with the City's stated values regarding open space, ridgeline protection, hospital access, and long-term community resilience. The City should not accept avoidable risk — including the catastrophic risk of a slope or debris-flow failure on a sole-access road, the catastrophic risk of a wildfire evacuation through one corridor that the developer's own consultant says will get worse at buildout, and the chronic risk of a 925-foot queue on the Sky Ridge hospital approach — where a safer, gentler-grade, more resilient alternative is identified in the developer's own record. A development of this size, in this terrain, on this hillside, adjacent to this hospital, on the edge of this open space, with this fire exposure, with this slope sensitivity, with this drainage history, and with this much deferred to future processes, cannot be approved with one full-time road. It should not be approved with one full-time road. And it does not have to be — because the developer has already analyzed, and the developer's own consultant has already designed, a southern Surrey Drive alternative that meets City and Fire Department criteria with the gentlest grade in the entire matrix. The right decision is denial, or continuance with the conditions in §XIV. I respectfully request the City make that
05/17/26 12:09 PM	Andrew Lukes		andy@lukes.cc	10794 Bluffside DriveLone Tree, CO 80124	I am writing as a Lone Tree resident at 10794 Bluffside Drive to oppose adoption of the Hillcamp Sub-Area Plan as currently proposed. The Sub-Area Plan is the framework that will shape every later application for this part of Lone Tree. Once it is adopted, the road network, land use, open-space configuration, and design standards it contains will be very difficult to undo. For that reason, the Sub-Area Plan should not be adopted while the foundational decisions it depends on remain unresolved. 1. The Sub-Area Plan is built on a road alignment that has not been approved and has not been shown to be safe. The Sub-Area Plan assumes that primary access to the entire Hillcamp area will be provided by extending Cabela Drive as a new "Hillcamp Drive." That access is the subject of a separate application (Final Plat for Hillcamp Trail Filing No. 1) that has not been approved, has been flagged by the Colorado Geological Survey as not yet supported by adequate geotechnical analysis, and has been flagged by South Metro Fire Rescue as not meeting fire apparatus access standards for a 343-home subdivision. Adopting a framework that pre-supposes a road the State and the regional fire authority have not signed off on puts the framework ahead of the safety analysis. That is the wrong order of operations. 2. The Sub-Area Plan replaces a long-established alignment with a new one the City has never adopted. Earlier planning frameworks for this area, including the RidgeGate 7th Amendment Planned Development District and prior PDD documents going back to 2000, have consistently identified primary access points elsewhere - including connections near Surrey Ridge Road. The Hillcamp Drive alignment is a new alignment proposed by the developer. The Sub-Area Plan should conform to the planning framework the City has used to guide this area for 25 years, rather than enshrine a developer-proposed alignment that has not been previously approved by the Council. 3. The Sub-Area Plan's treatment of "open space" does not match the priorities Lone Tree residents have expressed. In the City's 2020 survey, 89% of respondents said that open space is "very important" to them. The Sub-Area Plan labels significant acreage as open space, but a careful read of the Preliminary Plans shows that much of that labeled open space functions as internal subdivision land - drainage tracts, slope buffers, and lots-adjacent green spaces - rather than as publicly accessible bluff and trail land. The framework should distinguish clearly between truly public, publicly accessible open space and internal subdivision tracts, and it should commit to preserving the bluff edge and East/West Trail corridor that residents have repeatedly identified as a defining feature of Lone Tree. 4. The Sub-Area Plan treats the 2000 vote as a mandate it was not. To the extent that the Sub-Area Plan rests on the premise that Lone Tree voters "approved" development of the bluffs in 2000, that premise overstates what voters were asked. The 2000 ballot question, implemented through Ordinance Nos. 00-05 through 00-08, authorized annexation of the RidgeGate property and the City's local zoning control over it.

05/17/26 12:14 PM	Andrew Lukes		andy@lukes.cc	10794 Bluffside DriveLone Tree	Dear Planning Commission, City Council, and Lone Tree Planning Staff: I am writing as a Lone Tree resident at 10794 Bluffside Drive to oppose the Final Plat for Hillcamp Trail Filing No. 1 as currently proposed. This is the application that would establish the Cabela Drive extension - the proposed "Hillcamp Drive" - as the sole primary access for a 343-home subdivision. The Sub-Area Plan and both Preliminary Plans depend on this road. If the access alignment is wrong, the entire project rests on a wrong foundation. For the reasons below, the City should deny this Final Plat and decline to lock in this access alignment. 1. The Colorado Geological Survey says the road has not been shown to be safe to build. In its January 30, 2026 referral letter, the Colorado Geological Survey - the State authority on geology - concluded that the geotechnical investigation, analysis, and documentation submitted for the Hillcamp Drive extension is insufficient to demonstrate that the proposed road can be constructed and maintained as a public roadway across mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels. CGS expressly noted that the materials lack the design-level subsurface characterization, slope-stability evaluation, and drainage performance verification that would normally be required for a public road that will serve as the sole access to a 343-unit residential development. Those findings remain unresolved in the resubmittal. Approving a final plat for an access road that the State's own geologists have not been able to call safe is, in effect, asking the City to overrule its own technical reviewers in order to keep the developer's preferred alignment moving. That is the wrong order of operations. 2. South Metro Fire Rescue says the road plan does not meet basic fire-access standards. South Metro Fire Rescue's referral letter raised concerns about apparatus access road widths, dead-end lengths, road grade limitations, and the inadequacy of the proposed secondary evacuation routes. South Metro specifically flagged that the road widths shown in the plans correspond to Douglas County rural-local standards meant for 2.5-acre lots, not for a 343-home subdivision in which on-street parking is prohibited. Combined with on-street parking restrictions in the underlying PDD, the result is a road network too narrow to safely move fire trucks while residents are evacuating in the opposite direction. Even more concerning, the two proposed secondary emergency routes rely on roadways in unincorporated Douglas County, outside the City of Lone Tree's and the developer's legal control. Lone Tree cannot legally guarantee those secondary routes will exist or remain open at the time they are needed. Secondary access for a 343-home subdivision should be wholly within the City's jurisdiction, not contingent on roads another government can close, narrow, or repurpose. 3. The site sits at the intersection of every wildfire risk factor the City already tracks - and the proposed access does nothing to address that
05/17/26 1:07 PM	Tracy Lukes		tracy@lukes.cc	10794 Bluffside Drive, Lone Tree	See attached.
05/19/26 6:24 AM	Blake Wetzel	Personal	bwetzel40@gmail.com	9310 Rockbluff Point	Attached
05/21/26 4:56 PM	Diane Braaton		dianebraaton@gmail.com	9846 Silver Maple Rd	I oppose the development of the Hillcamp Trail Filing No.1. As an outdoor enthusiast, I enjoy the Colorado open spaces. We are fortunate to have such areas close to home, so that we do not have to endure I-70 traffic to get to a hiking trail. The Bluffs area is a place where I take visiting friends as it is close to home, has amazing views, and is variable in length. There are plenty of existing real estate opportunities for those looking to relocate to a suburb such as the proposed Hillcamp development. We treasure the wildlife and do not want to push them out. This development is unnecessary.
05/22/26 11:13 AM	Igor Grapp		igrapp@gmail.com	5654 Cheetah Chase, Lone Tree, Co, 80124	As a local resident, I am formally objecting to the Hillcamp Sub-Area Plan and Final Plat applications due to severe infrastructure, public safety, and regulatory non-compliance. First, funneling a 343-home development into a single primary chokepoint fails to provide the independent secondary egress required by International Fire Code (IFC) Section D104.1 for projects exceeding 100 units, presenting a catastrophic bottleneck during a wildfire evacuation that violates NFPA 1141 safety standards. Second, independent reviews confirm the primary road extension traverses terrain highly prone to landslides and unstable slopes. Under Colorado C.R.S. § 30-28-133 (S.B. 72-35) and H.B. 74-1041, the City is empowered to deny plats failing to mitigate documented geologic hazards outlined by the Colorado Geological Survey. Finally, this high-density layout violates the "Rural Residential" designation of the established Master Plan and encroaches heavily on protected open space. I urge the Planning Commission to deny the application until these safety and statutory violations are completely resolved.
05/23/26 2:25 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	See Respone attached to the Hillcamp Community Letter
05/23/26 2:45 PM	Candice and Bob Fein		candicefein626@gmail.com	10885 Bluffside Dr	See attached reponse to Hillcamp Trail Geotechnical Response Letter
05/23/26 2:54 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	See attached letter
05/23/26 2:56 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	See attached Rebuttal to developer - The Retreat Letter
05/24/26 11:59 PM	Raul Guadarrama	Myself and my family	raulguadarrama@gmail.com	9570 Viewside Dr, Lone Tree, CO, 80124	To: Chuck Darnell, Principal PLanner, City of Lone Tree Planning Division I am submitting a resident comment for the public record on application **SB25-0014 (Hillcamp Drive Filing No. 1)** in advance of the May 26, 2026 referral close. I live at 9570 Viewside Drive in The Retreat at RidgeGate, directly adjacent to the proposed Hillcamp Drive alignment. The attached letter and exhibits set out specific deficiencies in the application, anchored to verbatim language from the City's February 11, 2026 Third Technical Review letter, the Colorado Geological Survey referral comment letter dated January 30, 2026, and the applicant's March 27, 2026 response materials. The comments are organized in the tier architecture the record supports and request specific City actions on each item. **Attachments to this submission:** 1. **9570 Viewside Drive Comment Letter** (PDF). The main letter. 2. **Exhibit B.** PDD-Consistency Comparison: Lyric Drive corridor across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and aerial imagery dated May 17, 2026 (PDF, three panels). 3. **Exhibit C.** Coverage Matrix: City February 11, 2026 directive compared with Applicant March 27, 2026 Response Letter coverage (PDF). 4. **Exhibit L.** Annotated reproduction of GESC Plans, Sheet 4, depicting approximately 422 LF of construction fence on HOA-owned Tract M and surrounding HOA common areas, and the construction-staging area immediately adjacent to the Tract M stormwater retention pond (PDF, two panels). I respectfully request that this comment be entered into the SB25-0014 referral record. Please confirm receipt via reply to raulguadarrama@gmail.com. Raul Guadarrama 9570 Viewside Drive, Lone Tree, CO 80124 raulguadarrama@gmail.com

05/25/26 5:01 PM	Shannon Weston		shannonmweston4@gmail.com	9532 E Silent Hills PlaceLone Tree CO 80124	This development has several issues . . . .water concerns, fire concerns, egress concerns, supposed to be rural residential, potential landslide, environmental concerns, and the entrance should be off I-25 as originally laid out. This will destroy a watershed canyon. This is a bad look for Lone Tree as well. Need open sweeping spaces.
05/25/26 6:01 PM	Jill Nurse	Myself	jillnursecb@comcast.net	10971 Puma Run, Littleton, CO 80124	May 25, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Puma Run / Wildcat Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-
05/26/26 5:22 AM	Jesse Downey	Self	downeyj12@gmail.com	10001 North Heather Drive, Castle Rock CO 80108, United St	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 10001 N Heather Drive regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center

05/26/26 5:55 AM	Joshua Nielsen-Mayer	Surrey Ridge Homeowner	jnielsenmayer@gmail.com	9031 Clydesdale Rd	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of SURREY RIDGE regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center
05/26/26 8:46 AM	Katie & Steve McLean	self	KatieTrexlerMcLean@gmail.com	10877 Bluffside DriveLone Tree, CO 80124	please see a detailed letter attached to this. we will also email it to ensure our concerns are entered into public record.
05/26/26 9:26 AM	Victoria Jakribettuu		vickyco500@gmail.com	9954 Heather Dr, Castle rock CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25

05/26/26 9:43 AM	Kelly Thompson		k_welly@mac.com	10822 Bluffside Drive, Lone tree CO 80124	I have lived in The Retreat at Ridgegate for 6 years and I strongly oppose the Hillcamp Development! The City has already found that the application fails one of its own approval standards. In its February 11, 2026 review, City staff wrote that the application "does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code" because the developer planned to drain stormwater into Tract M, which is owned by our HOA, without our permission. The developer's response was to remove the drainage pond and substitute a different device. That substitution does not change the fact that the City has already made an adverse finding. The construction drawings (Sheet 4 of the GESC Plans) also still show about 422 feet of construction fence and a contractor staging area sitting on HOA-owned Tract M and other HOA common areas, again without our permission. The Colorado Geological Survey (the State's geology experts) said the developer's geotechnical study is not good enough. CGS reviewed the application on January 30, 2026 and found the geotechnical investigation insufficient. CGS has not changed its mind since the developer resubmitted in March. The developer's own engineer still labels the slope-stability report "for planning purposes only," meaning it is not meant to be relied on for actual construction. The road is being placed where no PDD has ever said it should go. The RidgeGate Planned Development District (the master plan that governs this land) has gone through seven amendments since 2000. None of them has ever shown an access point at the Cabela / Hillcamp end. The PDD has always designated the Surrey Ridge end as the main access road. The developer is abandoning the designated access and creating a new one at our end, without seeking the amendment that would normally be required. The developer says the Surrey Ridge corridor is "environmentally infeasible," but is simultaneously planning to run a 12-inch water main for this same 343-home development through that same corridor. The recorded Southgate Water District easement is directly adjacent to the proposed cut. This easement runs across portions of Tracts C, K, L, and O, the strip of land between our homes and the proposed road cut. The recorded easement requires written permission from Southgate before anyone can disturb the ground above their water lines. The developer's response was: "There is no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway." That answer ignores the easement entirely. The same hillside has already failed three times. Three water-line breaks on Tract C in 2024 (March 30, May 5, and June 24) triggered a $500,153 hillside repair shared between Century Communities and the City of Lone Tree. There is active litigation between Century and Southgate over that failure (Arapahoe County, trial January 2027). The permanent replacement waterline is still being designed. The City is being asked to approve approximately 120,000 cubic yards of excavation (and 31,000 cubic yards of fill) across more than 12 acres of disturbance on the corridor right next to this active situation. The developer ignored the City's directive to respond to every reviewer. On February 11, 2026, the City directed the developer to "provide a consolidated response letter that provides detailed responses to the City's technical review
05/26/26 9:43 AM	Rodney and Sheri Owens		sheriowens84@gmail.com	9574 Fork Bluff PointLone Tree, CO 80124	Attached
05/26/26 9:55 AM	Kelly Thompson		k_welly@mac.com	10822 Bluffside drive, Lone tree CO 80124	The fire risk is absurd! Not-to-mention the environmental impacts! I've lived and enjoyed these bluffs for 6 years! It is why I moved to Lone Tree! South Metro Fire Rescue has not approved the access plan. SMFR's February 4, 2026 letter listed ten unresolved comments. The McArthur emergency-access road has a roughly 10% grade, which exceeds SMFR's 6% maximum, and no variance has been sought. The International Fire Code requires two access roads for developments over 30 units. Hillcamp proposes 343 units. Other community impacts. Approximately 745 linear feet of existing trail will be removed with no temporary replacement during construction. Construction noise will be within 100 feet of Retreat homes for an estimated 250-day window, with Hillcamp Drive serving as the only construction-access route for the multi-year build-out.
05/26/26 9:57 AM	Bruce Blyth	Myself	rmpu@msn.com	10822 Bluffside Drive, Lone Tree, CO 80124	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10822 Bluffside Drive, and have lived in The Retreat for six years. The Hillcamp Drive proposal would place a new collector road behind my home and remove the trail I walk daily. It will also drastically affect the traffic in my neighbourhood on a daily basis. I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below. ISSUE 1. The City has already found the application fails Approval Standard #3 The developers assume they can utilize HOA property for water drainage and staging, even placing a fueling area next to our water runoff. This is not acceptable. ISSUE 2. The road is being placed where no PDD has ever shown one Why can the developers place a road next to our community where no Planned Development has been approved ISSUE 3. The State's geology experts say the geotechnical study is not good enough The developer wants to gloss over a geological hazard that has been identified. The hillside has already moved three times despite the Century developer following standard guidelines. ISSUE 4. The same hillside has already failed three times It has failed three times, it will fail again, and who picks up the tab. ISSUE 5. Trail loss, construction noise, and community impact Why will we be subjected to a prolonged noisy construction for a road that has not been approved? For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014.
05/26/26 10:05 AM	Lorrie Ball	homeowner - Douglas County - City of Castle Pines	lorriemball@gmail.com	15 Breamore Court Castle Pines, CO 80108	Attached

05/26/26 10:32 AM	Scott and Teresa Anderson		9302co@gmail.com	9302 N Heather DrCastle Rock, CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: We are writing as a resident of Surry Ridge Estates regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. We have lived in Surrey Ridge Estates for over 20 years. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. We oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The traffic numbers in this application are significantly understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that
05/26/26 10:38 AM	James Riner		Jim@WetzelAviation.com	9902 N Heather Dr, Castle Rock, CO 80108	ATTACHED
05/26/26 10:47 AM	Robert and Sheila Allen	Homeowner at The Retreat	rgsaallen@msn.com	9354 Rockbluff Pt	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). First and foremost, South Metro Fire Rescue has not approved the access plan Summary: South Metro Fire Rescue (SMFR) is the fire authority for our area. On February 4, 2026, SMFR listed ten unresolved comments. SMFR has not approved the project. The emergency-access road on McArthur has roughly a 10% grade, which is steeper than SMFR's 6% maximum for fire trucks. The International Fire Code requires two access roads for any development over 30 units. Hillcamp is proposing 343 units on a single collector road, with an emergency route that does not meet fire-code grade limits. Ready to paste: South Metro Fire Rescue issued its referral comment letter on February 4, 2026 (REFPDP25-00321), listing ten comments. SMFR has not provided a non objection. The McArthur Drive emergency-vehicle access route has an approximate 10% grade, exceeding SMFR's 6% maximum for fire-apparatus access, and no variance has been sought. International Fire Code Appendix D Section D107.1 requires two fire-apparatus access roads for any development with more than 30 dwelling units; Hillcamp proposes 343. The applicant's representations that "all roadways shall meet the emergency access requirements of South Metro Fire Rescue" are not supported by any SMFR letter on the record. As a resident who would live in or near a 343-home subdivision served by a single access road, I ask that the City require an unconditional non objection letter from SMFR on the current geometry before any plat approval.
05/26/26 10:51 AM	brenda hurtado	myself	brenndalish@yahoo.com	10872 Bluffside Dr	The proposed road extension should not proceed because construction in an unstable area creates safety risks, high long-term costs, and significant harm to native wildlife habitats, ultimately outweighing potential transportation benefits. Extending the road through unstable terrain poses avoidable safety and financial risks while significantly damaging native wildlife habitat. Fragmentation of ecosystems threatens species such as prairie dogs, deer, and coyotes and disrupts ecological balance. Responsible planning should prioritize sustainable alternatives that protect both public safety and environmental integrity rather than pursuing infrastructure in unsuitable locations.
05/26/26 12:17 PM	Scott Stene	South Metro Fire Rescue	scott.stene@southmetro.org	9195 E. Mineral	attached

05/26/26 12:30 PM	Robb Doerksen		robbdoerksen@gmail.com	11004 Puma Run, Lone Tree CO 80124	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 11004 Puma Run regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that
05/26/26 12:32 PM	Jennifer Petersen	Jennifer Petersen	jpetersen1502@gmail.com	10860 Bluffside Dr. Lone Tree, CO 80124	I respectively submit my previous comments submitted in the first go round (attached), as I do not feel they were adequately addressed by the developer. Specific emphasis on: *Departure from PPD 7 *Public Safety *Evidence of hillside failure currently in litigation Thank you for the opportunity to provide comments again.
05/26/26 12:54 PM	Angela Smart	McArthur Drive Coalition	McArthurDriveCoalition@gmail.com	1043 Finn Ave, Lone Tree, CO 80124	"Attached"
05/26/26 1:00 PM	Kenneth Hanzon		trolhollow@aol.com	9672 Sorrel RdCastle Rock, CO. 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Sorrel Rd/ Surry Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. If the development were to proceed, it is imperative that any interface to the Surrey Ridge community be designed as a fire and emergency access only. The road systems in Surrey Ridge are not designed for and cannot handle normal egress traffic from this new source. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard. Sincerely, Kenneth Hanzon Sorrel Rd/ Surry Ridge
05/26/26 1:53 PM	STEPHANIE L BRYANT		StephBryantRE@gmail.com	460 W SURREY DRIVE	SEE ATTACHED
05/26/26 2:00 PM	Bruce H BRYANT		brucebryant@ecentral.com	460 W SURREY DRIVE	SEE ATTACHED
05/26/26 2:17 PM	Elizabeth Riner		betsyriner@comcast.net	9902 N Heather Dr Castle Rock Co 80108	attached, Please see Pictures at the end

05/26/26 3:01 PM	Eng-Wee Ethan Yeo		ethan.yeo@hey.com	9539 Viewside Dr, Lone Tree, CO 80124	I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 9539 Viewside Dr and have lived in The Retreat for five years. The Hillcamp Drive proposal would remove the trail my family uses daily. I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below. Approximately 745 linear feet of existing trail directly adjacent to the proposed alignment will be removed, including approximately 445 linear feet at the Cabela/Viewside connector, with no temporary path provided during construction and no Retreat-side connector replacement proposed. Construction noise from a 4,077-foot collector road and a multi-year subdivision build-out above will occur within 100 feet of existing Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route. The applicant has not provided a noise study and contends that none is required. As a resident who will live with both the construction phase and the long-term operational impact, I ask that the City require an independent noise study and a defined trail continuity plan as conditions of any advancement. For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014. Respectfully, Eng-Wee Ethan Yeo 9539 Viewside Dr, Lone Tree, CO 80124 ethan.yeo@hey.com
05/26/26 3:30 PM	Tracy Hutt		tracykat22@gmail.com	9265 Clydesdale RoadCastle Rock, CO 80108	ATTACHED
05/26/26 3:40 PM	Fredrick P LeGrand	Resident of The Retreat	fredlegrand@comcast.net	10766 Bluffside DrLone Tree, CO 80124	See attached Word document
05/26/26 3:51 PM	Seth Williams	Surrey ridge	seth@castlecoach.com	122 W surrey Dr, Castle Rock CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 122 W surrey Dr regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center

05/26/26 3:52 PM	Michelle Zotos		mzotos13@gmail.com	9653 North Heather DriveCastle Rock, CO 80108	May 27, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey Ridge Estates regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa next door to our community, served by rural roads and a single public collector. I oppose this application as written. We have a private well as our only source of water. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. We are writing as homeowners who live in a wildfire-prone area. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held
05/26/26 4:16 PM	Ellen M. Yeiser	Surrey Ridge	eyeiser@comcast.net	10004 N Heather Dr, Castle Rock, CO 80108	Attached
05/26/26 4:18 PM	Kim Muramoto		kimmuramoto@gmail.com	8010 Clear Water DriveLone Tree, CO. 80124	Attached
05/26/26 4:19 PM	Megan Peitzmeier		meganwestberg@yahoo.com	9052 N Palomino Drive, Castle Rock CO 80108	Attached
05/26/26 4:20 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comments for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10885 Bluffside Dr and have lived in The Retreat for over years. The Hillcamp Drive proposal would be devastating to our family - construction traffic for years to come, eroding a beautiful landscape with huge walls and traffic, never approved by voters. This was not in any of the City's planned documents when we moved into the neighborhood I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below. The RidgeGate Planned Development District has been amended seven times. None of the seven amendments has ever depicted or designated an access point at the Cabela / Hillcamp end of the mesa-top arterial. The Surrey Ridge end has been the consistently designated Main Access Road. The applicant's chosen alignment for SB25-0014 abandons the PDD-designated Surrey Ridge access and introduces new access at a location no PDD has ever contemplated, without any PDD amendment. The applicant's stated reason for abandoning the Surrey Ridge corridor is "environmental infeasibility," yet the applicant's own filings show that this same 343-home development plans to run a 12-inch water transmission main through that same Surrey Ridge / I-25 underpass corridor. A corridor that is feasible for a water main is feasible for a road. I ask that the City require either (a) a PDD amendment with proper notice, or (b) a finding on the record explaining how this alignment is consistent with the seven existing PDD amendments. For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014. We are produtive community members, raising our kids, volunteering, contributing in meaningul ways to Lone Tree. We are asking the Lone Tree City Coucil and Plannng Deparment to stand up for "us" and not the Developers.
05/26/26 4:30 PM	Sue Mahon		sueamahon@outlook.com	9372 Clydesdale Rd, Castle Rock CO 80108	Attached
05/26/26 4:32 PM	Ellen M. Yeiser	Surrey Ridge	eyeiser@comcast.net	10004 N Heather Dr, Castle Rock, CO 80108	Attached
05/26/26 4:35 PM	Lane Stocking		lane.s@live.com	343 E Turf Lane, Castle Rock CO 80108	Attached
05/26/26 4:36 PM	Newell Wright	Surrey Ridge	n.r.wright@yahoo.com	9413 N Surrey Drive, Castle Rock, CO 80108	Attached
05/26/26 4:36 PM	Benjamin Naylor		benjaminLN20@msn.com	9400 N Surrey Dr, Castle Rock, CO 80108	surrey ridge
05/26/26 4:36 PM	Jeff Naylor	Surrey Ridge	jbnaylo@msn.com	9402 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 4:39 PM	Jeff Naylor	Surrey Ridge	jbnaylo@msn.com	9402 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 4:40 PM	Sarah Stocking		sarah@apprz.com	343 E Turf Lane, Castle Rock CO 80108	Attached
05/26/26 4:47 PM	Benjamin Naylor	Surrey Ridge	benjaminLN20@msn.com	9400 N Surrey Dr, Castle Rock, CO 80108	see attached
05/26/26 4:47 PM	Elisabeth Wright	Surrey Ridge	elisabethwright17@gmail.com	9413 N Surrey Drive, Castle Rock, CO 80108	Attached
05/26/26 4:48 PM	David Wright	Surrey Ridge	davidwright2003@gmail.com	9413 N Surrey Drive, Castle Rock, CO 80108	Attached

05/26/26 4:52 PM	Lindsey Fish		fish_lindsey@yahoo.com	9493 N. Surrey Dr.Castle Rock, CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors, including myself and my family, who rely on private wells will feel the consequences. If we lose water from our well, we don't have back-up options. The City should not approve a development of this scale without a real water-adequacy determination on the record. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk. My family and I have experienced significant delays on this interchange. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change.
05/26/26 4:53 PM	Iris M. Alvarez	Surrey Ridge	iris329@msn.com	9241 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 4:54 PM	Ben Wright	Surrey Ridge	rightclickpc@gmail.com	9413 N Surrey Drive, Castle Rock, CO 80108	Attached
05/26/26 4:56 PM	Dale C. Merrick	Surrey Ridge	dmerrickd@msn.com	9252 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 4:59 PM	Owen Barrett	Surrey Ridge	khbarrett@comcast.net	9386 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 4:59 PM	Peggy J. Merrick	Surrey Ridge	peggymerric.02@gmail.com	9252 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:01 PM	Kevin Barrett	Surrey Ridge	barrett18k@gmail.com	9386 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:03 PM	Monica Doyle	Surrey Ridge	monicanunes05@hotmail.com	9178 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 5:04 PM	Heidi Michelle Oberle-Barrett	Surrey Ridge	heidi_barrett@comcast.net	9386 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:04 PM	Maggie Elizabeth Ann Barrett		khbarrett@comcast.net	9386 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:04 PM	Beth Schneider	surrey ridge	beth@apprz.com	9517 N Surrey Dr, Castle Rock, CO 80108	see attached
05/26/26 5:05 PM	Joel Schneider	Surrey Ridge	joeliex3@yahoo.com	9517 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:06 PM	Alberto J. Alvarez	Surrey Ridge	ralvarez68758@yahoo.com	9241 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:06 PM	Jeanne L. Gormley	Surrey Ridge	gormleyjl@msn.com	9272 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 5:08 PM	Craig James Walker	Surrey Ridge	cwalker@wcg-corp.com	8999 N Carrara Ln, Castle Rock, CO 80108	Attached
05/26/26 5:08 PM	Olivia Faith Barrett	Surrey Ridge	khbarrett@comcast.net	9386 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:09 PM	Brian Petersen		bpbroncs@gmail.com	10860 Bluffside DriveLone Tree, CO 80124	Please see the attached.
05/26/26 5:11 PM	Corey Keller	Surrey Ridge	corey.keller@yahoo.com	9669 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 5:11 PM	Jacqueline M. Shuler	Surrey Ridge	jackie@n6media.com	9272 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 5:13 PM	Alexandrea Rivera	Surrey RIdge	alexjunrivera.co@gmail.com	9724 Sorrel Road, Castle Rock, CO 80108	Attached
05/26/26 5:14 PM	John T. Gormley	Surrey Ridge	gormleyjt@msn.com	9272 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 5:16 PM	Meghan Caskey	Surrey Ridge	meghanecaskey@gmail.com	9631 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 5:17 PM	Carroll Steger	Surrey Ridge	cgsteger@gmail.com	265 W Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:18 PM	Campbell Caskey	Surrey Ridge	campbell.caskey@gmail.com	9631 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 5:18 PM	Edward Southwick	Surrey Ridge	epsouth1@msn.com	9488 N Surrey Drive, Castle Rock, CO 80108	Attached
05/26/26 5:20 PM	Jacqueline Rivera	Surrey Ridge	jackie.nunesrivera@gmail.com	9724 Sorrel Road, Castle Rock, CO 80108	Attached
05/26/26 5:22 PM	Vincent Joseph Sassone	Surrey Ridge	sass1vinnie@gmail.com	9259 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:22 PM	Francis Huette	Surrey Ridge	frankhuette@libertyhomproducts.com	9372 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 5:23 PM	Jozef Steszkal	Surrey Ridge	steszkal@gmail.com	9104 N Corral Ln, Castle Rock, CO 80108	Attached
05/26/26 5:25 PM	Regina Steszkal	Surrey Ridge	regina@riaccountingservices.com	9104 N Corral Ln, Castle Rock, CO 80108	Attached
05/26/26 5:26 PM	Pablo Rivera	Surrey Ridge	privera1959@yahoo.com	9724 Sorrel Road, Castle Rock, CO 80108	Attached
05/26/26 5:27 PM	Cheryl Lynn Eastburn	Surrey Ridge	cheryl@cheryleastburn.com	9488 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:29 PM	Donald Eastburn	Surrey Ridge	don@doneastburn.com	9488 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:31 PM	Deanna Buerger	Surrey Ridge	deanna@buergerrealestate.com	149 W Juan Way, Castle Rock, CO 80108	Attached
05/26/26 5:32 PM	Larissa Buerger	Surrey Ridge	larissabuerger01@gmail.com	149 W Juan Way, Castle Rock, CO 80108	Attached
05/26/26 5:32 PM	Carroll Steger	Surrey Ridge	cgsteger@gmail.com	265 W Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:34 PM	Logan Buerger	Surrey Ridge	buergerlm@gmail.com	149 W Juan Way, Castle Rock, CO 80108	Attached
05/26/26 5:34 PM	Matt Buerger	Surrey Ridge	matt@buergerrealestate.com	149 W Juan Way, Castle Rock, CO 80108	Attached
05/26/26 5:36 PM	John Earl McBride, Jr.	Surrey Ridge	jmcbride.usc@gmail.com	9810 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 5:37 PM	Nicholas Picon	surrey ridge	surreyridgeconeighbors@gmail.com	9488 N Surrey Drive, Castle Rock, CO 80108	see attached

05/26/26 5:37 PM	Johnny		jstevning@gmail.com	8980, Ridgepointe Way, Castle Pines CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Hidden Pointe regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center
05/26/26 5:39 PM	Judith L. McBride	Surrey Ridge	JudithLMcBride@gmail.com	9810 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 5:40 PM	Deanne Marie Hapke	Surrey Ridge	DByrne918@msn.com	9333 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:41 PM	Susan Ann Walker	Surrey Ridge	suziew_10@msn.com	8999 N Carrara Ln, Castle Rock, CO 80108	Attached
05/26/26 5:42 PM	Robert Lane Hapke	Surrey Ridge	Hapkel@comcast.net	9333 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:43 PM	Denice L. Sassone	Surrey Ridge	denice4c5@msn.com	9284 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:45 PM	Robert Lane Hapke	Surrey Ridge	Hapkel@comcast.net	9333 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:45 PM	Jonathan Saunders		jon.saunders716@gmail.com	300 East Turf Ln	Attached
05/26/26 5:47 PM	Amy Gregory	Surrey Ridge	amy-gregory73@hotmail.com	9524 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:48 PM	Ellie Gregory	Surrey Ridge	ellieg803@hotmail.com	9524 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:50 PM	James and Sara Ball		jeball0@gmail.com	9019 N Corral LnCastle Rock, CO 80108	see attached letter
05/26/26 5:50 PM	Mark Gregory	Surrey Ridge	markgregory01@hotmail.com	9524 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 5:53 PM	Jamie Calhoun	Surrey Ridge	JLC7483@gmail.com	9473 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:55 PM	Brianne Alberti	Surrey Ridge	alberti.brianne1213@gmail.com	9473 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:57 PM	Adam Calhoun	Surrey Ridge	adam_calhoun26@yahoo.com	9473 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 5:59 PM	Dennis Furr	Surrey Ridge	furr03@comcast.net	9441 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 6:00 PM	Shanna Vosburg	Surrey Ridge	shanna.vosburg@yahoo.com	9440 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 6:01 PM	Nicholas A. Wilkin	Surrey Ridge Resident	nicholaswilkin@gmail.com	9634 Sorrel Road, Castle Rock, CO 80108	See attached for my comment letter. Thanks!
05/26/26 6:01 PM	Ivan Topalu	Surrey Ridge	surreyridgeconeighbors@gmail.com	9232 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 6:03 PM	Susan Picon	Surrey Ridge	jpjpicon@gmail.com	9717 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 6:04 PM	Fredrick P LeGrand	Resident of The Retreat	fredlegrand@comcast.net	10766 Bluffside DrLone Tree, CO 80124	This is a resubmission of the text portion of my prior submittal concerning the Proposed Hillcamp Trail SB25-0014 containing a minor but important revision. The previous document was titled "Hillcamp_Comparative_Terrain_Assessment.docx" Thank you
05/26/26 6:04 PM	NIKKI LIGRANI	SURREY RIDGE	nikki@cowesternconstruction.com	9201 N PALOMINO DR	SEE ATTACHED
05/26/26 6:06 PM	Karen Ament	Surrey Ridge	Karenament19@gmail.com	9634 Sorrel RdCastle Rock CO 80108	Attached
05/26/26 6:07 PM	Daniel Turre	Surrey Ridge	djt1733@gmail.com	9294 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 6:08 PM	Susie Wargin		susiewargin@gmail.com	Redacted	Attached
05/26/26 6:09 PM	Kimberly Turre	Surrey Ridge	kimaturre@gmail.com	9294 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 6:09 PM	Kendall Wilkin	Surrey Ridge Resident	kendallwilkin@gmail.com	9634 Sorrel Road Castle Rock	See attached document.
05/26/26 6:12 PM	Barbara Crowe	Surrey Ridge	bacrowe@msn.com	9344 N Palomino Drive, Castle Rock, CO 80108	Attached
05/26/26 6:15 PM	Christopher Miller	Surrey Ridge	comfeline@gmail.com	9344 N Palomino Drive, Castle Rock, CO 80108	Attached
05/26/26 6:19 PM	Owen Robert Persichetti	Surrey Ridge	owen.persichetti@outlook.com	9344 N Palomino Drive, Castle Rock, CO 80108	Attached
05/26/26 6:19 PM	Susan Picon	Surrey Ridge	jpjpicon@gmail.com	9983 N Heather Dr, Castle Rock, CO 80108	Attached
05/26/26 6:22 PM	Adrian Vosburg	Surrey Ridge	shanna.vosburg@yahoo.com	9410 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 6:22 PM	V Alvarez	surrey ridge	veesin@hotmail.com	9241 N PalominoCR 80108	see attached
05/26/26 6:24 PM	V Alvarez	Surrey Ridge	veesin@hotmail.com	9241 N Palomino Dr CR 80108	see attached
05/26/26 6:25 PM	Craig MacDonald	Surrey Ridge	cmacdonald0407@gmail.com	102 W Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 6:34 PM	Anthony Ligrani	Surrey Ridge	Tnandboys@comcast.net	9201 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 6:35 PM	Adelle Wilkin	Surrey Ridge	adellewilkin@gmail.com	9634 Sorrel Ridge	Attached
05/26/26 6:36 PM	Tony Huette	surrey ridge	tonyhuette@libertyhomeproducts.com	9272 Clydesdale Rd, Castle Rock, CO 80108	see attached
05/26/26 6:38 PM	Josh Beram	Surrey Ridge	josh@kcgtcl.com	9163 N Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 6:41 PM	Lawrence Pratt	Surrey Ridge	Lfruder@yahoo.com	9545 Sorrel Rd + 9521 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 6:41 PM	Patricia Redman Pezel	Surrey Ridge	triciapezel@gmail.com	402 Surrey Drive, Castle Rock, CO 80108	Attached
05/26/26 6:43 PM	Scott Thebeau	Surrey Ridge	scott.thebeau@gmail.com	9231 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 6:44 PM	Charla Beram	surrey ridge	charlaberam@gmail.com	9163 N Palomino DrCR 80108	see attached
05/26/26 6:48 PM	Francis J. Morrato	Surrey Ridge	jmorrato@icloud.com	9311 N Corral Lane, Castle Rock, CO 80108	Attached
05/26/26 6:48 PM	Sara Goodyear	Surrey Ridge	shgoodyear@gmail.com	189 E Turf Lane, Castle Rock, CO 80108	Attached

05/26/26 6:53 PM	Mary Mason	Surrey Ridge	marygkmason@msn.com	9060 Corral Lane, Castle Rock, CO 80108	Attached
05/26/26 6:53 PM	ANDREW YEAR	SURREY RIDGE	goodyeardrew@gmail.com	SEE ATTACHED	SEE ATTACHED
05/26/26 6:54 PM	Matthew Ryan		ryanmatthew4731@gmail.com	9730 Halstead Ln Lone Tree CO. 80124	For my whole life, I've seen many places that once were wild and free for everyone get turned into a developed strip mall or houses stacked right up against each other. Please don't do this. Let future generations experience the wild nature of Colorado by preserving what little areas of open space we have left. I don't want to tell my future children that we destroyed such a beautiful place so that a few people could make a quick buck.
05/26/26 6:55 PM	Ric Brill	Surrey Ridge	ric.brill@gmail.com	257 N Juan Way, Castle Rock, CO 80108 [?]	Attached
05/26/26 6:55 PM	Lynnette Ruder	Surrey Ridge	Lfruder@yahoo.com	9545 Sorrel Rd + 9521 Sorrel Rd, Castle Rock, CO 80108	Attached
05/26/26 6:59 PM	Joseph Mason	9060 N. Corral Ln Castle Rock, CO 80108	josephamason6@gmail.com	9060 N. Corral Ln Castle Rock, CO 80108	Attached
05/26/26 6:59 PM	BONNY BRILL	SURREY RIDGE	bbrillccrs@gmail.com	257 W JUAN WAY CASTLE ROCK CO 80108	SEE ATTACHED
05/26/26 7:01 PM	Kurt Reinhardt	Surrey Ridge	kurtrhardt@comcast.net	9130 N. Palomino Drive, Castle Rock, CO 80108	Attached
05/26/26 7:01 PM	MonicaThebeau	surrey ridge	monica.thebeau@gmail.com	9231 N Surrey Dr, Castle Rock, CO 80108	see attached
05/26/26 7:06 PM	Cheryl Lynn Eastburn	Surrey Ridge	cheryl@cheryleastburn.com	9488 N. Palomino Dr., Castle Rock, CO 80108	Attached
05/26/26 7:07 PM	SARAH AMERY	SURREY RIDGE	sarahallam@me.com	192 W SURREY DRIVE, CASTLE ROCK 80108	SEE ATTACHED
05/26/26 7:09 PM	Danielle Lyn Hamidi		dlhamidi@comcast.net	405 W Surrey DrCastle Rock CO80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 405 W Surrey Dr regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard.
05/26/26 7:09 PM	Donald Eastburn	Surrey Ridge	don@eastburn.com	9488 N. Palomino Dr., Castle Rock, CO 80108	Attached
05/26/26 7:11 PM	Nick Doyle	Surrey Ridge	rigel419@yahoo.com	9178 Clydesdale Rd	Attached
05/26/26 7:12 PM	Nathan Amery	Surrey Ridge	nathanamery1980@gmail.com	192 W. Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 7:13 PM	Gary Allen Knapp	Surrey Ridge	garymaryknapp@comcast.net	9339 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 7:14 PM	LAWRENCE PRATT	SURREY RIDGE	LFRUDER@YAHOO.COM	9545 SORREL RD,CASTLE ROCK 80108	see attached
05/26/26 7:15 PM	Whitney Austin		whitneykaustin@gmail.com	10011 Astoria Court, Lone Tree	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Carriage Club regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25
05/26/26 7:15 PM	Kyle Riner		kyleriner17@gmail.com	9902 North Heather Drive, Castle Rock, Colorado	Attached

05/26/26 7:18 PM	Jeff Sobetski	Surrey Ridge	jsobetski@gmail.com	9218 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 7:19 PM	Amy Huette	surrey ridge	amyhuette@libertyhomeproducts.com	9372 Clydesdale Rd, Castle Rock, CO 80108	see attached
05/26/26 7:20 PM	Alison Biggs	Surrey Ridge	albiggs@aol.com	9293 Heather Dr., Castle Rock, CO 80108	Attached
05/26/26 7:22 PM	Mary Knapp	Surrey Ridge	garymaryknapp@comcast.net	9339 Clydesdale Rd, Castle Rock, CO 80108	Attached
05/26/26 7:23 PM	GEORGE BOTSONIS	SURREY RIDGE	BOTSONIS@GMAIL.COM	9501 N PALOMINO DR, CR 80108	SEE ATTACHED
05/26/26 7:25 PM	Rudolf Bratt	Surrey Ridge	rbhorses@msn.com	188 W. Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:27 PM	GEORGE BOTSONIS	SURREY RIDGE	BOTSONIS@GMAIL.COM	9501 N PALOMINO DRIVE, CASTLE ROCK 80108	SEE ATTACHED
05/26/26 7:30 PM	Justin Biggs	Surrey Ridge	justin.biggs@outlook.com	9293 Heather Dr., Castle Rock, CO 80108	Attached
05/26/26 7:30 PM	George Botsonis	Surrey Ridge	botsonis@gmail.com	9501 N. Palomino Dr, Castle Rock, CO 80108	Attached
05/26/26 7:36 PM	Kevin Klimek	Surrey Ridge	kevmo1958@msn.com	225 E. Turf Ln, Castle Rock, CO 80108	Attached
05/26/26 7:36 PM	Karla Cosgrove	surrey ridge	karla.cosgrove@gmail.com	9717 Sorrel Rd, Castle Rock, CO 80108	see attached
05/26/26 7:37 PM	Audrey Oserow	Surrey Ridge/Ridgegate Resident	aoserow@gmail.com	9474 Bay LaneCastle Rock, CO 80108	Attached
05/26/26 7:38 PM	Mary Jane Henry	Surrey Ridge	maryjane.henry1954@gmail.com	9377 Corral Lane, Castle Rock, CO 80108	Attached
05/26/26 7:40 PM	Mary Jane Henry	Surrey Ridge	maryjane.henry1954@gmail.com	9377 Corral Lane, Castle Rock, CO 80108	Attached
05/26/26 7:44 PM	Connie Helgoth	Surrey Ridge	ckhelgoth@gmail.com	9236 N. Surrey Dr. Castle Rock, CO 80108	Attached
05/26/26 7:44 PM	Charlotte Ley		charlotteley@yahoo.com	9600 Sorrel RoadCastle Rock 80108	May 26, 2026 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Sorrel Road regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies. The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by
05/26/26 7:45 PM	Philip Machut	Surrey Ridge	surreyridgeconeighbors@gmail.com	9366 Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:47 PM	Gary Henry	Surrey Ridge	susurreyridgeconeighbors@gmail.com	9434 Corral Lane, Castle Rock, CO 80108	Attached
05/26/26 7:48 PM	Judith A. Machut	Surrey Ridge	Judymachut@outlook.com	9366 Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:48 PM	JOANN MILLER	SURREY RIDGE	lmiller14@comcast.net	9125 N CLYDESDALE RDCASTLE ROCK 80108	SEE ATTACHED
05/26/26 7:48 PM	Jessica Nelan	Surrey Ridge	jessica.nelan@gmail.com	9217 N. Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:52 PM	Gary Henry	surrey ridge	surreyridgeconeighbors@gmail.com	9434 Corral Lane, Castle Rock, CO 80108	see attached
05/26/26 7:53 PM	Sean Nelan	Surrey Ridge	seanpnelan@gmail.com	9217 N. Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:55 PM	Cindy Lombardi	Surrey Ridge	cdlombardi@gmail.com	9236 N. Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 7:56 PM	Paul Young	Surrey Ridge	Paulyoungpac@gmail.com	9388 N Corral Ln, Castle Rock, CO 80108	Attached
05/26/26 7:56 PM	PAULA NIELSEN MAYER	SURREY RIDGE	jjevyscarlett@gmail.com	9388 N CORRAL LANECASTLE ROCK 80108	SEE ATTACHED
05/26/26 7:57 PM	PAULA NIELSEN MAYER	SURREY RIDGE	jjevyscarlett@gmail.com	9388 N CORRAL LANE, CR 80108	see attached
05/26/26 7:58 PM	Ann Bley	Surrey Ridge	aclingb@gmail.com	9899 Sorrel Rd., Castle Rock, CO	Attached
05/26/26 8:02 PM	Gabrielle Cardwell	Surrey Ridge	gabriellecardwell@rmpbs.org	9458 N. Palomino Dr., Castle Rock, CO 80108	Attached
05/26/26 8:03 PM	Nicole Sobetski	Surrey Ridge	nicole.sobetski@gmail.com	9218 N Surrey Dr, Castle Rock, CO 80108	Attached
05/26/26 8:03 PM	Jerry Cardwell		jerryec@comcast.net	9458 N. Palomino Dr., Castle Rock, CO 80108	ATTACHED!
05/26/26 8:03 PM	Darren Lombardi	Surrey Ridge	darrenlombardi70@gmail.com	9236 N. Surrey Dr., Castle Rock, CO 80108	Attached
05/26/26 8:06 PM	Mary Fairbank Nettrour	surrey ridge	miminettrour@gmail.com	9983 N Heather Dr, Castle Rock, CO 80108	see attached

05/26/26 8:10 PM	Candice and Bob Fein		candicefein626@gmail.com	10885 Bluffside Dr, Lone Tree CO 80124	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10885 Bluffside Dr and have lived in The Retreat for just over 3 years. The Hillcamp Drive proposal would be devasting to the beautiful quite neighborhood we moved into. I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below. The hillside immediately adjacent to the proposed Hillcamp Drive cut (approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill across 12.26 acres of disturbance, per GESC Report at 6, § 1-C) has a documented utility-failure history. Three water-line breaks occurred on Tract C in 2024 (March 30, May 5, and June 24) and triggered a $500,153 cost-shared hillside repair under the May 6, 2025 Cost Share Agreement between Century Communities and the City of Lone Tree. The matter is in active litigation in Arapahoe County District Court (Case No. 2025CV30307, trial January 2027). The permanent replacement waterline is still being designed by Burns and McDonnell and is not yet routed; its bid timing is gated by Shannon and Wilson's geotechnical analysis of Century's discovery production in the active litigation. The applicant's response to this concern is the statement that "it is unrealistic to assume that a utility failure would impact the integrity of the roadway." That answer is inconsistent with the documented record on the adjacent slope. I ask that the City require, as a condition of any advancement, a finding that the timing and footprint of the Hillcamp construction does not interfere with the not-yet-routed permanent replacement waterline. For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014. Respectfully, Candice and Bob Fein
05/26/26 8:16 PM	Mike Oserow		mtoserow@proton.me	9474 Bay Lane Castle Rock CO 80108	See attached
05/26/26 8:16 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10885 Bluffside Dr and have lived in The Retreat for over 3 years. The Hillcamp Drive proposal would devastate our community between construction, noise and pose other risks to our peaceful community. I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below. South Metro Fire Rescue issued its referral comment letter on February 4, 2026 (REFPDP25-00321), listing ten comments. SMFR has not provided a non- objection. The McArthur Drive emergency-vehicle access route has an approximate 10% grade, exceeding SMFR's 6% maximum for fire-apparatus access, and no variance has been sought. International Fire Code Appendix D Section D107.1 requires two fire-apparatus access roads for any development with more than 30 dwelling units; Hillcamp proposes 343. The applicant's representations that "all roadways shall meet the emergency access requirements of South Metro Fire Rescue" are not supported by any SMFR letter on the record. As a resident who would live in or near a 343-home subdivision served by a single access road, I ask that the City require an unconditional non-objection letter from SMFR on the current geometry before any plat approval. For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014. Respectfully, Candice and Bob Fein
05/26/26 8:19 PM	Jean Griswold	Surrey Ridge	jean@castlecountry.net	113 W Surrey Drive	Attached
05/26/26 8:21 PM	Lesca Grant	surrey ridge	llgrant@apprz.com	9535 N Surrey Dr. Castle Rock 80108	see attached
05/26/26 8:24 PM	TRAVIS REEDER	SURREY RIDGE	traviswreeder@gmail.com	9166 N CORRALCASTLE ROCK 80108	see attached
05/26/26 8:32 PM	Dave Griswold	Surrey Ridge	dave@castlecountry.net	113 W Surrey Drive	Attached
05/26/26 8:34 PM	Shelly Reeder	Surrey Ridge	shellylreeder@gmail.com	9166 N CorralCastle Rock 80108	see attached
05/26/26 8:37 PM	Shelly Reeder	Surrey Ridge	shellylreeder@gmail.com	9166 N CorralCastle Rock 80108	see attached
05/26/26 8:40 PM	Susan Rutherford	surrey ridge	49sruth@gmail.com	301 E. Turf Lane	see attached

05/26/26 9:02 PM	Candice Fein		candicefein626@gmail.com	10885 Bluffside Dr	Dear Mr. Darnell, I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10885 Bluffside Dr and have lived in The Retreat for just over 3 years. The Hillcamp Drive proposal wouldbe devastating to our family. I respectfully ask the City to decline to advance this application on the current record and required the Developer to follow the rules laid out for them. My specific concerns are below. On February 11, 2026, the City of Lone Tree found in its Third Technical Review that "the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code" because the applicant "is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M." The applicant's March 27, 2026 response withdraws the Tract M pond and substitutes a hydrodynamic separator, which is a water-quality device only and does not provide volumetric detention. The record does not establish that this substitute satisfies the Storm Drainage Design and Technical Criteria Manual without the Tract M pond. Separately, Sheet 4 of the GESC Plans still depicts approximately 422 linear feet of construction fence on HOA-owned Tract M and surrounding HOA common areas, and depicts the construction-staging area (including the portable-toilet location) immediately adjacent to the HOA-owned Tract M stormwater retention pond. The HOA has not authorized these installations. The GESC Report itself concedes at p. 6, § 1-F that there is "no designated area for fueling at this time," while requiring that any fueling area "shall be located a minimum of 100 feet from all drainage courses whenever possible," a standard the depicted staging location does not appear to satisfy relative to Tract M. I ask that the City affirm its February 11 finding under Approval Standard #3 and require, as a condition of any further advancement, (a) a demonstration that the revised drainage design actually meets the City's requirements without relying on land the developer does not own and is not authorized to use, (b) removal of all construction fence, staging features, and other installations depicted on HOA-owned tracts absent HOA authorization, and (c) a designated fueling area on the construction documents demonstrating compliance with the 100-foot setback from Tract M and other on-site drainage features. For the reasons above, I respectfully ask the City of Lone Tree to decline to
05/26/26 9:13 PM	Linda Long	Surrey Ridge	lindaslong@gmail.com	9446 Surrey Dr., Castle Rock, CO	Attached
05/26/26 9:15 PM	Michael Smith		logans4paw@gmail.com	9579 Viewside Dr	With the continued development of Lyric and the new town center as well as The Canyons to the south there will be many thousand more people driving and riding bikes on our local roads. As an avid bike rider I look for safe areas to ride. S Havana St south of Ridgegate used to be very safe, but now more volumes of high speed drivers due to a larger populous and more accident issues on I25 have occasionally turned S Havana St into a road no longer safe to ride. Surrey rd and its community gets more biker traffic as a result I just wonder, how many deaths or auto biker accidents need to happen around that one lane tunnel before Lone Tree, Douglas County or CDOT improve upon that underpass? I understand this area near Surrey Rd and the tunnel was the original area approved for accessing any development atop the Ridgegate Bluffs and it is the only route currently approved. Rather than destroying other previously untouched watersheds, why not simply improve this tunnel that needs to be improved anyway and build the access road up the watershed where a road already exists? Where it is already approved?! Or if we are changing the approval process, why not put the whole proposed development up for a vote amongst the citizens of Lone Tree? Ballots for the emergency vote to control our own destiny in 2000 did not make it to all eligible citizens- look at your “cert of elec 082900” records. Since Lone Tree is considering new approvals for this development proposal, before we destroy the heart of our community, let’s let the community actually vote their say. And let’s keep our surrounding roads safe to ride!
05/26/26 9:34 PM	Jane Pearson		venturemilehigh@gmail.com	9704 N Heather Dr Castle Rock, CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Heather Dr / Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center
05/26/26 9:51 PM	Shannon Closson		shannon.closson1@gmail.com	8440 Oak CtCastle Pines CO 80108	Attached

05/26/26 10:03 PM	Jacqueline Post Ladha	Surrey Ridge	jacqueline@sequoiallp.com	263 Turf Lane	Attached
05/26/26 10:09 PM	Susan Holladay	Self / Surrey Ridge neighborhood	brocandsusan@msn.com	9087 Clydesdale RdCastle Rock, CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Clydesdale Rd / Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-
05/26/26 10:12 PM	Fayrid Ladha	Surrey Ridge	fayrid@gmail.com	263 Turf Lane	Attached
05/26/26 10:16 PM	Susan Holladay	Self / Surrey Ridge neighborhood	brocandsusan@msn.com	9087 Clydesdale RdCastle Rock, CO 80108	May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Clydesdale Rd / Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-

Date Received	Your Name	Organization Representing	Email Address	Address	Comments
02/11/26 6:58 PM	Teri Vogel	Concerned citizen	teri.l.vogel@gmail.com	11655 Colony LoopParker, CO 80138	I am opposed to every proposed Hillcamp Development. These areas are open space that should remain so. Developing multiple home developments would impact wildlife, water, traffic congestion and density, as well as safety dangers for emergency access and wildfire
02/11/26 8:46 PM	Devin Stone		bagelstones@gmail.com	10432 Tiger Run Lone Tree, CO	It would be a shame to lose such a highly utilized trail for both recreation and commuting throughout the south metro area.
02/13/26 1:05 PM	Raul Guadarrama	myself	raulguadarrama@gmail.com	9570 Viewside Drive	attached, updated from original 2-10-26 submission
04/14/26 1:06 PM	Michael Marino	Save The Lone Tree Bluffs	mmarino77@gmail.com	6039 Puma Chase, Lone Tree, CO 80124	PLEASE designate McArthur Drive as Permanent Unpaved EVA Only! This helps with the following VERY IMPORTANT issues: - Safety concerns at McArthur Ranch Road and Monarch, a key crossing for children and new drivers, with a history of accidents and significant traffic at school drop off and pickup. - Preservation of the rural lifestyle used by families and individuals for recreation. - Equestrian traffic, which is common in the area and incompatible with increased vehicle use. - Wildlife protection through limiting automobile traffic.
05/04/26 9:50 AM	Nicole Ioisi		nloisi168@gmail.com	10270 Commonwealth, 4225, lone tree CO 80124	On a personal note, the Bluffs are one of the reasons I decided to make Lone Tree my home. They distinguish it from many other similar/generic suburbs. Why the City Should Reject Hillcamp Development on the Lone Tree Bluffs The Hillcamp proposal poses significant and irreversible risks to public safety, environmental integrity, and long-term city finances. The project relies entirely on the proposed Cabela Drive / Hillcamp Drive extension—an access road not identified in the RidgeGate 7th Amendment and unsupported by independent analysis. Without this road, the entire development collapses; with it, the City inherits major liabilities. A single primary access point creates dangerous wildfire evacuation bottlenecks, emergency-response delays, and traffic hazards for both new and existing neighborhoods. The bluffs themselves are a documented landslide-prone area, with unstable soils identified by the Colorado Geological Survey. Large-scale grading required for Hillcamp would further destabilize the terrain, putting homes, infrastructure, and residents at long-term risk. Approving development on known unstable slopes is an avoidable public-safety failure. Hillcamp would also eliminate valuable public open space currently used for recreation and wildlife movement. The developer's "open space" is largely internal subdivision land, not accessible community land, and the project would fragment habitat near Bluffs Regional Park and the East-West Trail. Surrounding rural communities—many relying on wells and lacking hydrants—face heightened wildfire danger, drainage impacts, and increased runoff from a large new subdivision built uphill. At the same time, the region faces ongoing drought and water-supply uncertainty. Finally, all studies submitted to the City were paid for by the developer and require rigorous scrutiny. The bluffs are too fragile, too valuable, and too risky to develop. The City should reject Hillcamp to protect public safety, preserve open space, and avoid long-term financial and environmental harm.
05/08/26 1:41 PM	Tim Cinalli		bogart126@yahoo.com	9242 Princeton stHighlands Ranch, CO 80130	I respectfully urge the City to reject this proposed development and the associated loss of open space access. This proposal raises serious concerns related to public safety, environmental impact, infrastructure, and long-term financial responsibility. First and foremost, emergency access and wildfire evacuation risks cannot be overlooked. Many surrounding neighborhoods rely on limited access routes, including unpaved roads that are already challenging during severe weather or emergency situations. Adding additional traffic and development pressure in this area could significantly compromise evacuation capability during a wildfire or other emergency event, placing residents and first responders at greater risk. The proposal would also result in the loss of more than 400 acres of existing open space currently used and valued by both the public and local wildlife. This land serves as an important recreational and environmental resource for the community and provides critical wildlife habitat and connectivity. Once this open space is lost to development, it cannot be restored. Traffic safety and congestion are additional major concerns. Existing roadways in and around the area already experience congestion and safety challenges, and this development would further increase vehicle traffic, create additional conflict points, and negatively impact overall mobility and pedestrian safety for nearby residents and visitors. There are also serious geologic and public safety concerns associated with development in this location. Portions of the area have been identified as unstable soils and landslide-prone by the Colorado Geological Society. Moving forward with development despite these identified risks raises legitimate concerns regarding long-term structural stability, public safety, and future maintenance liabilities. The long-term financial impacts to taxpayers should also be carefully considered. Ongoing maintenance obligations for the proposed road infrastructure by the City of Lone Tree, as well as future maintenance and liability associated with the pedestrian bridge by either Lone Tree or Douglas County, could create significant long-term public costs that may ultimately outweigh any short-term development benefits. Finally, this access is not identified in the RidgeGate 7th Amendment Planned Development District. Advancing infrastructure and access elements that were not contemplated or approved within the existing planned development framework undermines the integrity of the planning process and raises concerns regarding transparency and consistency with previously adopted plans.

05/12/26 4:50 AM	Joan Olson		joanolson_law@yahoo.com	6847 Lionshead Parkway	Based on the link for 'Save the Lone Tree Bluffs', I oppose this development project, because I believe that it would adversely affect the value of my property that backs to open-space. The open-space has a view of the deer and wildlife, providing value that other developments do not offe. This development project would prevent the affect the migration of deer.
05/12/26 7:54 AM	Susan E Van Dorn-James		susanvanjames@gmail.com	10581 Tiger Grotto	As a resident in WildCat Ridge I am concerned about the effects this development will have on the wild life. We have regular issues with the animals coming into our community and yards, but if we take more and more of the natural habitat from them this will increase the problems.
05/12/26 8:03 AM	Olivia Anderson		oanderson1214@gmail.com	10200 Trainstation Circle	This development project poses serious environmental impacts that are not being sufficiently addressed. The Bluffs and open space around this area should not be suffocated by dense housing and development in all other space. These house developments are cutting off lifelines for the animals, plants, and insects that call the land home. Development of this area will cut off their livelihood without providing a safe space for them to retreat to. The current plan will force these animals to seek space they can thrive in but will ultimately lead to their deaths on the road. Additionally, the developers are creating environments where the minimum standards are viewed as acceptable, which is a significant risk for our community. We will continue to evolve and grow, and the utilization of the space must be considered. If we continue to build with minimum standards, especially regarding wildfire evacuation routes and traffic management, we will have to return again and again as the community evolves. These minimum standards will be constantly challenged by inevitable growth, putting current residents at risk during emergencies. Furthermore, building on the unstable, landslide-prone soils of the Bluffs requires more than just meeting the bare minimum; it requires a preemptive, high-standard engineering approach. Why should we settle with the bare minimum knowing we will have to act in response to growth and environmental failures rather than anticipating them? It will not be the construction companies that have to deal with emergency response failures, road overuse, or soil instability; it will be the community members and new homeowners who take on these burdens. I urge the city to require comprehensive, updated studies on wildlife impact and wildfire safety before this project moves forward.
05/12/26 10:31 AM	Kimberly Galesic		kimgalesic@gmail.com	6709 Hills Drive, Parker, CO 80138	Attached
05/13/26 3:47 PM	Elena veta	lone tree resident - Heritage hills	ejeveta1@gmail.com	9217 S Cedar Hill Way	I oppose development around the Bluffs. The open space provides crucial wildlife access. I have seen deer, elk, many bird species, groundhogs, and more in the area. Lone Tree is on the edge of rural and urban areas, and removing this open space would be a significant loss for the community. Also, dozens and dozens of our friends who live outside of Lone Tree, come here because of the open space. Then we go to local coffee shops, restaurants, and run errands in Lone Tree. Having new homes around the bluff makes the area significantly less attractive, and visitors to Lone Tree will have no reason to come. Our city would lose these sales taxes, and local retail and shops will be hurt. There is also a risk of insufficient water, increased fire risk, and poor access for emergency responders. Building around the Bluffs will forever alter the character of Lone Tree, which is why people want to be here. Please do not allow this development. Thank you
05/13/26 7:41 PM	Brenda Truelove		brendatruelove.inbox@gmail.com	10598 Montecito Drive	I am opposed to project. I live in Montecito, one of the areas that will be most affected by this development. My concerns include, but aren't limited to as follows: Loss of wildlife in the area--and the open spaces we enjoy for hiking and exploring Loss of the view we now enjoy Fire department access to the development Water use Decrease in my home value for these homes built on top of us Soil instability -- we have already had to take action in our development to mitigate some soil issues. This development will only exacerbate this issue! Please DON'T approve this project.

05/15/26 1:41 PM	B. Simon		beverlysimon@live.com	Heritage HillsLone Tree, CO	Please accept this comment as a strong opposition to the proposed Hillcamp Trail extension Final Plat. This proposal raises major concerns regarding public safety and the permanent loss of open space. The proposed roadway would add significant density and traffic into an area that already faces congestion and limited access concerns. Expanding development through neighborhoods also raises serious questions about emergency response and wildfire evacuation capabilities. The loss of more than 400 acres of open space currently used by residents and wildlife is not only concerning but also devastating. This land provides wildlife habitat, resident recreation, and Colorado beauty that cannot be replaced once developed. In addition, the reported concerns related to unstable soils and landslide-prone areas identified by the Colorado Geological Society should be highlighted with grave concern. Building critical access infrastructure in geologically sensitive terrain presents long-term safety risks that deserve far greater scrutiny before any approvals move forward. I respectfully urge the City to deny the Hillcamp Trail extension Final Plat. Thank you for your consideration.
05/15/26 1:49 PM	Brent Simon		brent@coloradostyle.com	9161 E Star Hill Point, Lone Tree, CO 80124	I am writing to share my concerns regarding the proposed Hillcamp Sub-Area Plan and the amount of development being considered for this area of Lone Tree. One of the biggest issues for me is safety, particularly when it comes to wildfire evacuation. Colorado continues to face growing wildfire risks every year, and this part of the city already has limited access points. Adding a large number of homes and increased density without major improvements to evacuation routes feels risky and short-sighted. In an emergency situation, traffic congestion and limited escape routes could become a serious problem for residents. I am also troubled by the ongoing loss of open space and wildlife habitat. Over the years, we have already seen more deer, foxes, and other wildlife pushed closer into neighborhoods as development continues to spread. Once these natural areas are developed, they are gone permanently, along with the habitat that makes this part of Lone Tree feel connected to nature. Another concern is the effect this project would have on the character and atmosphere of the area. The open views and natural landscape are a large part of what makes this community attractive and enjoyable to live in. Expanding development into this space will make the area feel more crowded, increase traffic, and reduce the sense of openness that many residents value. As someone who regularly runs, walks dogs, and spends a great deal of time outdoors, access to open space and nature played a major role in my decision to move to Lone Tree. I know many others feel the same way. It is disappointing to see continued pressure to overdevelop areas that contribute so much to the quality of life in this community. I respectfully ask the City to reconsider and deny the Hillcamp Sub-Area Plan.
05/17/26 1:21 PM	Candice Fein		candice.fein626@gmail.com	10885 Bluffside Dr	See Letter to Lone Tree Planning and City Council
05/18/26 2:50 PM	Susan Buckley		buckden1@comcast.net	6406 Nassau Ct., Highlands Ranch	Please do not allow this to go through. It would be devastating to our community
05/18/26 4:10 PM	Peter Frenchman		peter.frenchman@yahoo.com	10411 Carriage Club	Ridgegate has so much land to be developed, so many new homes plus commercial development. Why in the world do we need to put homes and roads on top of the Bluffs? The only true open space in Lone Tree. The undeveloped open space of the Bluffs is the heart of the city, please do not make it another neighborhood. It has abundant wildlife including a herd of elk that has visited over the winter. The trails are used heavily by residents and visitors to Lone Tree. Leave it alone!

05/18/26 4:38 PM	Jennifer Webb	Homeowner	je_webb@yahoo.com	10225 Bluffmont DriveLone Tree, CO 80124	As a homeowner at the base of The Bluffs I am very concerned about the impact this construction will bring to the area. Increased traffic, safety concerns with both the increase in population and cars, emergency services access and changes to the ecology with more development. Our neighbors have already had significant home damage when drainage from the bluffs during a torrential rain a few years ago created flooding of several neighbors homes. A home development can only increase the concern of water management for current homeowners and businesses. Noise pollution and light pollution (we are a dark sky neighborhood) cannot be underestimated. The wellness of current residents is improved by our current environment as are the wildlife that co-exist.
05/19/26 10:43 AM	Ashley Schnackenberg		AshSchnack@Gmail.com	9441 NIGHT STAR PL	Attached
05/19/26 11:04 AM	Mark Sherman		msherman35@gmail.com	13217 Mercury Drive Lone Tree, CO 80124	Please don't add more houses & development to the Lone Tree Bluffs area. It is a treasure & needs to be kept as open space.
05/19/26 2:21 PM	Candice Fein		candice.fein626@gmail.com	10885 Bluffside Dr	See Response to the Technical memorandum on HillCamp Trail PLUS the Letter to the City of Lone Tree and Lone Tree Planning Dept
05/23/26 9:50 AM	Elizabeth Petri		epetri@comcast.net	10761 Cougar Canyon, Littleton, CO 80124	Development of the proposed Hillcamp Drive and pedestrian bridge is clearly irresponsible, dangerous and a reflection of the greed that is driving the developer. The site contains steep slopes, expansive claystone bedrock and active drainage channels. The proposed development is directly on active drainage channels that feed Cottonwood Creek. If this area is disturbed by development the risk of landslides increases. There have already been landslides in the area and geological reports confirm the risk of more is high. Why would the developer want to build here? Because when done they walk away rich and leave the damage, liability and long-term repair and maintenance costs to the taxpayers. Isn't it ironic that the developer is ignoring the geological studies done by engineers that they hired? This proposed road will forever displace wildlife, destroy open space and permanently alter the landscape. It would also affect trail safety, increase traffic and change the character of the community. The project as a whole represents the loss of 400+ acres used by wildlife and the public. It would also impact existing neighborhoods adjacent to the proposed project. The plan calls for emergency access and wildfire evacuation routes that would require connections through the McArthur Ranch and Surrey Ridge neighborhoods. This raises traffic safety and congestion issues for these neighborhoods. As a resident of the Wildcat Ridge community I want McArthur Ranch Road to continue to be a dead end. The road is already congested and the intersection of McArthur and Quebec has a high accident rate. The neighborhood children walk to the middle and high schools and have to cross that intersection. It is already dangerous. Do not make it more so.
05/25/26 3:50 PM	Keira Rawlings		keirarawlings@gmail.com	9066 Blufftop Way, Lone Tree, CO 80124	See Attached
05/26/26 10:30 PM	Luz Padilla Duran		luzdapadilla@gmail.com	9570 Viewside Drive, Lone Tree, CO 8124	Approximately 745 linear feet of existing trail directly adjacent to the proposed alignment will be removed, including approximately 445 linear feet at the Cabela / Viewside connector, with no temporary path provided during construction and no Retreat-side connector replacement proposed. Construction noise from a 4,077-foot collector road and a multi-year subdivision build-out above will occur within 100 feet of existing Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route. The applicant has not provided a noise study and contends that none is required. As a resident who will live with both the construction phase and the long-term operational impact, I ask that the City require an independent noise study and a defined trail-continuity plan as conditions of any advancement.

Question/Concern/Comment	Name	Email Address	Address	Phone Number	Submitted Date
May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Oak Hills regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Jenny Heckendorf	jjheckendorf@gmail.com	8415 N Pinewood Dr	+1 (303) 921-6170	05/26/26 9:49 AM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 10405 Lynx Run regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change. I respectfully urge the Planning Commission and City Council to deny or substantially	Cathy Villalobos			+1 (303) 653-7081	05/26/26 9:01 AM

May 25, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Ainsdale Court regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Jan Lundeen	jan.lundeen@gmail.com	8671 Ainsdale Court Lone Tree, CO 80124	+1 (303) 949-0784	05/25/26 10:59 PM

May 25, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Ainsdale Court regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Jan Lundeen	jan.lundeen@gmail.com	8671 Ainsdale Court Lone Tree, CO 80124	+1 (303) 949-0784	05/25/26 10:58 PM

May 25, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Ainsdale Court regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Jan Lundeen	jan.lundeen@gmail.com	8671 Ainsdale Court Lone Tree, CO 80124	+1 (303) 949-0784	05/25/26 10:57 PM

May 25, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Ainsdale Court regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Jan Lundeen	jan.lundeen@gmail.com	8671 Ainsdale Court Lone Tree. CO	+1 (303) 949-0784	05/25/26 10:55 PM
Dear Lone Tree City Council, My name is Logan, and I am writing to share my concerns about the new development plan for the hill camp project in Bluffs Regional Park in Highlands Ranch. I understand that project is a chance for new things, but I feel strongly that this plan should not continue. I use the land very often for running and walking, and it is an important part of my daily life. It is a peaceful place where many people, including myself, go to relax, exercise, and enjoy nature. If this project happens, it will change the park in ways that cannot be undone. The natural environment and open space are what make the park special, and I believe it should stay the way it is. I am also concerned about the noise and disruption that construction will bring. This will affect not only me but also many other community members who use the park regularly. The quiet and calm atmosphere will be lost during that time. I respectfully ask the council to reconsider this development plan and to protect Bluffs Regional Park so it can continue to be enjoyed by the community as it is today. Thank you for your time and for listening to my concerns. Sincerely, Logan	Logan			+1 (720) 791-2622	05/10/26 4:50 PM
Hillcamp plan	Kim Muramoto	kimmuramoto@gmail.com	8010 Clear Water Drive Lone Tree, CO. 80124	+1 (303) 819-4344	05/26/26 4:13 PM

May 26, 2026 City of Lone Tree Community Development Department Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of [Your address] regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. This site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I live in a wildfire-prone area and know what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. This is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built	Patte Smith				05/26/26 5:44 PM

May 26, 2026 City of Lone Tree Community Development Department Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of [Your address] regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. This site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I live in a wildfire-prone area and know what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. This is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built	Patte Smith	pattesmith@comcast.net			05/26/26 5:42 PM

May 26, 2026 City of Lone Tree Community Development Department Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of [Your address] regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. This site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I live in a wildfire-prone area and know what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. This is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built	Patte Smith	pattesmih@comcast.net		+1 (303) 912-4138	05/26/26 5:40 PM

May 26, 2026 City of Lone Tree Community Development Department Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of [Your address] regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. This site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I live in a wildfire-prone area and know what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. This is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built	Patte Smith	pattesmith@comcast.net	155 E Turf Lane Castle Rock CO 80108	+1 (303) 912-4138	05/26/26 5:38 PM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of 155 E Turf Lan regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.	Patte Smith, Surry Ridge Neighbor	pattesmith@comcast.net	155 E Turf Lane, Castle Rock CO 80108		05/26/26 5:24 PM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the	Joshua Beram	josh@kcgtel.com	9163 N Palomino Dr	+1 (303) 618-1413	05/26/26 5:15 PM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the	Joshua Beram	josh@kcgtel.com	9163 N Palomino Dr	+1 (303) 618-1413	05/26/26 5:14 PM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the	Joshua Beram	josh@kcgtel.com	9163 N Palomino Dr	+1 (303) 618-1413	05/26/26 5:13 PM

May 26, 2026 City of Lone Tree Community Development Department 9220 Kimmer Drive, Suite 100 Lone Tree, CO 80124 Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014) Dear Members of the Planning Commission and City Council: I am writing as a resident of Surrey regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level. I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the	Joshua Beram	josh@kcgtel.com	9163 N Palomino Dr	+1 (303) 618-1413	05/26/26 5:13 PM







Amy E Meyer

10556 Ladera Dr.
Lone Tree, CO 80124
April 9, 2026

RE: Opposition to Cabela Drive / Hillcamp Drive Extension (Application No. SB25-0014)

City of Lone Tree Planning Department
9220 Kimmer Drive
Lone Tree, CO 80124

Dear Members of the Lone Tree Planning Commission and City Council,

I am writing as a resident of Lone Tree to formally oppose the proposed Cabela Drive / Hillcamp Drive Extension (Application No. SB25-0014). I understand this road extension is the critical access infrastructure — the so-called "gatekeeper" application — upon which the entire Hillcamp subdivision depends. Denying this application would effectively prevent the development from proceeding.

A new road extension into the Bluffs area is not simply a transportation project; it is the enabling mechanism for the destruction of approximately 400 acres of sensitive open space and wildlife habitat. I urge the City to reject this application on the following grounds:

- Wildfire evacuation risk: The proposed road configuration does not provide adequate egress for emergency evacuation in the event of a wildfire. Introducing hundreds of new homes into this area, served by limited road access, poses a serious public safety threat to both new and existing residents.
- Traffic impact on existing neighborhoods: The extension will significantly increase traffic volumes on roads serving established residential areas, degrading safety and quality of life for current residents.
- Environmental disruption: Construction of this road will cause direct habitat destruction and introduce ongoing disturbance to wildlife using the bluffs corridor.

Without this road, the Hillcamp development cannot proceed. I respectfully urge the City to deny Application No. SB25-0014 and preserve the Lone Tree Bluffs.

Sincerely,

Amy E Meyer
amy_tamu99@yahoo.com
303-895-4565

Geoffrey A Meyer

10556 Ladera Dr.
Lone Tree, CO 80124
April 9, 2026

RE: Opposition to Cabela Drive / Hillcamp Drive Extension (Application No. SB25-0014)

City of Lone Tree Planning Department
9220 Kimmer Drive
Lone Tree, CO 80124

Dear Members of the Lone Tree Planning Commission and City Council,

I am writing as a resident of Lone Tree to formally oppose the proposed Cabela Drive / Hillcamp Drive Extension (Application No. SB25-0014). I understand this road extension is the critical access infrastructure — the so-called "gatekeeper" application — upon which the entire Hillcamp subdivision depends. Denying this application would effectively prevent the development from proceeding.

A new road extension into the Bluffs area is not simply a transportation project; it is the enabling mechanism for the destruction of approximately 400 acres of sensitive open space and wildlife habitat. I urge the City to reject this application on the following grounds:

- Wildfire evacuation risk: The proposed road configuration does not provide adequate egress for emergency evacuation in the event of a wildfire. Introducing hundreds of new homes into this area, served by limited road access, poses a serious public safety threat to both new and existing residents.
- Traffic impact on existing neighborhoods: The extension will significantly increase traffic volumes on roads serving established residential areas, degrading safety and quality of life for current residents.
- Environmental disruption: Construction of this road will cause direct habitat destruction and introduce ongoing disturbance to wildlife using the bluffs corridor.

Without this road, the Hillcamp development cannot proceed. I respectfully urge the City to deny Application No. SB25-0014 and preserve the Lone Tree Bluffs.

Sincerely,

Geoffrey A Meyer
geoffmeyer@me.com
303-725-6287

Chuck Darnell

From: Kathleen & Don REUBERT <reubertdk@comcast.net>
Sent: Thursday, April 9, 2026 10:16 PM
To: Chuck Darnell
Subject: Re: City of Lone Tree Referral Request: Hillcamp Development Applications

How about this just gets totally shut down!!

On 04/08/2026 11:07 AM MDT City of Lone Tree <chuck.darnell@cityoflonetree.com> wrote:

The City of Lone Tree received resubmitted application materials from the applicant of the proposed Hillcamp development. Resubmitted materials were provided for the four development applications that make up the applicant's proposal for the Hillcamp project and include responses to referral comments provided by the public, City of Lone Tree staff, and external organizations (e.g. Douglas County, South Metro Fire Rescue, etc.). The resubmitted materials also include revised plans and technical documents that are part of the applicant's development proposal.

The City of Lone Tree is releasing the four Hillcamp development applications on a second referral to provide the public and external agencies with an opportunity to review how the applicant responded to prior referral comments, and to review changes to technical reports and plans. The priority deadline for comment submission for this second referral is Tuesday, May 26, 2026.

Please note that all prior referral comments provided during the first referral period have been included in the project record and will be included in future public hearings before the Planning Commission and City Council. Repeat comments from the first referral period do not need to be provided during this second referral. To ensure clarity, the City requests that any comments provided during this second referral be related to changes that the applicant has made to their plans and documents, or to the applicant's responses to prior referral comments.

To assist the public in understanding the applicant's proposed changes to the Hillcamp development, below is a summary of the changes that have been made to the plans and documents associated with each application. Please note that this list is based on a preliminary review of the resubmitted materials by City staff, and may not be

To the Lone Tree City Council,

I was able to dig into this technical memorandum - and honestly find it quite frustrating for many reasons:

The analysis in this memorandum raises serious questions about fairness and compliance with the PDD

The builder presents 7 alternatives but when you look closer it is anything BUT balanced. The developer invested **approx eight years** (2017 - 2025), exclusively engineering, refining, and investing in Alternative 1 (Hillcamp Trail). During that time, they secured private easements, obtained dedicated right-of-way, retained a perpetual easement over conveyed open space, conducted geotechnical borings and slope stability analyses, completed on-site field staking, designed strategic retaining walls, planned landscape screening, and much more.

Not one of the remaining six alternatives received anything close to this level of effort.

Instead, the developer presents a collection of alternatives designed to fail and hoping to give the appearance of a thorough review (as if seeking the best alternative).

- **Alternative 2** is a neighborhood suggestion from the Retreat HOA following an old ranch road, not a professionally engineered option, yet it is presented alongside engineered alternatives as though it were a peer comparison.
- **Alternatives 3 and 4** are so short and steep (11.9% and 12.6% grades) that they could not have reasonably been expected to meet City criteria under any circumstances. No engineering modifications such as switchbacks, extended alignments, and retaining walls were explored for either, despite these being the very solutions that made Alternative 1 viable.
- **Alternative 5** is dismissed because it crosses private property and lacks public right-of-way access. *Yet the developer spent years successfully navigating those exact same challenges for Alternative 1*. T*he standard applied to Alternative 5 was not applied to the developer's preferred route*.
- **Alternative 6** presents the Surrey Ridge alignment in its shortest, steepest, most unfavorable form — making it easy to dismiss.

This brings me to the most important point in the entire analysis. **The developer's own data proves the Surrey Ridge route works. Alternative 7** Surrey Ridge works: It meets every **City and Fire Department access** criterion per the developer's own summary table. It has a **4.7% roadway grade, the lowest of all seven alternatives.** It is **shorter than**

Alternative 1 at 3,717 linear feet versus 4,077. It meets full access criteria. It meets emergency access criteria. **And it is the route the PD 7th Amendment requires.**

Yet the developer dismisses it, citing wildlife concerns, visual impact to the I-25 bluffs, the single-lane underpass, and substandard Surrey Ridge Road conditions. **Every single one of these concerns applies equally to Alternative 1** or could be addressed through the same engineering investment given to Hillcamp Trail. Additionally, the memo notes approximately **~15.1 acres of scrub oak disturbance** for the Surrey Ridge alternatives but **does not provide a comparable figure for Alternative 1,** making a fair environmental comparison impossible.

Also please see the memo's own purpose statement, which reads: *"This technical narrative supports the Hillcamp Trail roadway extension plat application by demonstrating how the selected roadway alignment has been thoroughly vetted and determined to be the least impactful option."* This is not the language of an objective analysis. By its own admission, the memo was written to **advocate for a conclusion that was already reached** — not to objectively determine the best route.

I find it offensive that they think we would believe that the alternatives were "thoroughly vetted".

I understand that development is complex. I am not suggesting that the professionals at JR Engineering lack competence. What I am saying is that **the process was not fair.** When you spend eight years refining one option and give the others which includes the legally required route, only a cursory review, the **outcome is predetermined**. The developer has created the **appearance of a thorough, multi-alternative evaluation** while, in reality, conducting a process that was weighted from the start to reach a single conclusion.

I respectfully ask the City to:

1. Appropriate require enforcement of the PDD - if the City of Lone Tree residents were able to pick and choose which pieces of the PDD we wanted to exclude we would certainly say NO to building on the precious Bluffs. But we are trying but not given that luxury. Why does the Developer get that luxury?
2. Require the developer to demonstrate why the PDD should be set aside — given that their own data shows Alternative 7 meets all criteria
3. Commission or require an independent, third-party engineering evaluation of the Surrey Ridge with the same level of effort comparable to what was invested in Alternative 1

4. Require the developer to disclose the total scrub oak disturbance acreage for Alternative 1 so a fair environmental comparison can be made.
5. **Consider the precedent** that approving this application would set if a developer can spend years engineering around a PD requirement and then present a one-sided analysis to justify abandoning it, the integrity of our planned development process is undermined

The RidgeGate PD District 7th Amendment was established through a deliberate, community-informed planning process. The Surrey Ridge access route was not an accident or an afterthought — it was a planned decision. The residents of this community deserve to know that binding planning documents will be honored, and that developers cannot simply engineer their way around requirements they find inconvenient.

PDD DEVIATION — "No Deviation, Just Refinement"

What the Developer Claims:

The PDD is a "high-level planning document" that is "conceptual and subject to modification and refinement," and that "determining the final location of the road is simply a part of that refinement." The developer argues that "the RidgeGate PDD did not establish the location of roadways."

Rebuttal:

1. **There is a fundamental difference between refinement and replacement.** The PDD contemplates refinement of conceptual elements — adjusting alignment within a corridor, modifying intersection geometry, adapting to site conditions. It does not contemplate **abandoning an entire designated access corridor in favor of a completely different route through a different neighborhood.** The developer is not refining the Surrey Ridge access — they are eliminating it and substituting an entirely different corridor. That is not refinement; that is an amendment that requires the amendment process.

2. **The developer's own Alternative Access Memo acknowledges the PDD requirement.** The JR Engineering memo identifies Alternative 6 as the route "Identified in the RidgeGate PD District, 7th Amendment" and Alternative 7 as likewise "Identified in the RidgeGate PD District, 7th Amendment." If the PDD "did not establish the location of roadways," why does the developer's own engineer identify a specific PDD-designated route?

3. **The Retreat's original letter correctly identified the hierarchy.** The City of Lone Tree has adopted a clear hierarchy: PDDs govern first, followed by Sub-Area Plans, then the Municipal Code. Where conflicts exist, the higher standard governs. **The developer cannot use a lower-level approval process (subdivision plat) to override a higher-level planning document (PDD) without amending the PDD itself.**

4. **If "conceptual" means anything can change, the PDD is meaningless.** The developer's interpretation, that the PDD is so conceptual that an entirely different access corridor can be substituted without amendment, would render the PDD's circulation plan meaningless. Every developer could simply claim their preferred route is a "refinement" of whatever the PDD showed. **The City should not accept an interpretation that eviscerates the purpose of its own planning framework.**

5. **The developer spent 8 years engineering around the PDD requirement.** As documented in the Alternative Access Memo, the developer began securing easements for the Hillcamp corridor in 2017, dedicated ROW in 2019, and obtained a perpetual easement in 2020 — all for a route that was **not in the PDD.** This was not refinement discovered through the planning process; this was a **predetermined, multi-year strategy to replace the PDD-designated route.**

4-16-2026

Dear Chuck Darnell and Lone Tree Planning Commission,

I am writing to you today to express my opposition to the Hillcamp Development being proposed by the City of Lone Tree.

As a resident of Wildcat Ridge, it appears that the developer made little change to the EVA (Emergency Vehicle Access) requirements of McArthur Drive in Section 2.11.2 of the Design Application. There is conflicting language throughout the application regarding whether this EVA will be paved or unpaved. It is extremely concerning to leave any possibility that this road could eventually become a paved entity.

I strongly urge the Commission to implement one of the following:

- Update the Language: Use binding terminology to "permanently" rather than "perpetually" leave the road unpaved.

- Remove Access: Permanently remove the EVA access through McArthur Ranch entirely.

Key Areas of Concern

- Traffic Study Inconsistencies: It appears the traffic study originally submitted was resubmitted with only a change in date. This fails to address the specific concerns voiced during the first referral process.

- Wildfire Risk: Additional development poses an increased wildfire threat to both the proposed site and the surrounding established neighborhoods.

- Water Scarcity: Given the current season in Colorado, water resources are a critical talking point. We are already facing a severe deficit, leading to restrictions for current residents. Further development will only exacerbate this strain.

- Rapid Urbanization: The current fast-paced development in the RidgeGate corridor is contributing significantly to these environmental and infrastructural pressures.

Please consider putting a STOP to making McArthur Drive an Emergency Vehicle Access road, and potentially reconsider the entire Hillcamp Development given the geological, fire, wildlife, and traffic risks involved.

I appreciate your time and attention to these serious matters.

Respectfully,

Reese Ruddy
(Daughter of Marcus and Krystal Ruddy Property Owners)
10512 Jaguar Glen, Lone Tree Colorado



FORMAL OBJECTION

City of Lone Tree — Planning Division

Hillcamp Development — Second Referral Comments

From: Patrick Hutchinson

9588 Viewside Drive

Lone Tree, CO

To: Chuck Darnell, Principal Planner

City of Lone Tree Planning Division

Date: April 23, 2026

RE: Objection to Final Plat for Hillcamp Trail Filing No. 1 (Cabela Drive Extension) — Application Number SB25-0014 Second Referral — Priority Deadline: May 26, 2026

Dear Mr. Darnell,

I write to formally object to the Final Plat for the proposed extension of Cabela Drive — to be renamed "Hillcamp Trail" — to provide vehicular access to the proposed Hillcamp community. This application remains the most dangerous component of the Hillcamp proposal. It proposes to construct a public road through City of Lone Tree open space for the benefit of a private development.

I. Public Safety and Fire Access

South Metro Fire Rescue has raised serious concerns regarding dead-end lengths and secondary evacuation routes. Forcing 343 homes to rely on a single primary access road through a Wildland Urban Interface (WUI) with "moderate-intensity" fire risk is irresponsible. The proposed road extension will channel traffic from 343 new homes onto Cabela Drive and RidgeGate

Parkway, with no adequate secondary evacuation route for wildfire events.

II. Traffic Inaccuracy

The Traffic Impact Study (TIS) does not adequately account for the "bottleneck" effect at Cabela and RidgeGate Parkway. As a resident of Viewside Drive, I will see my quiet streets transformed into a high-volume corridor for 340-plus homes. The TIS does not address:

- Peak-hour congestion on the existing road network;
- Impact on the I-25 interchange;
- Emergency vehicle access and evacuation; and
- Heavy vehicle and construction traffic during the buildout period.

III. Geologic Refusal — Drill Rig Refusal at Shallow Depths

Drilling borings have already encountered "drill rig refusal" at shallow depths. This indicates that the road construction will involve heavy blasting or massive excavation in unstable debris-flow areas, causing significant noise and vibration damage to existing homes. The geotechnical reports submitted — including the preliminary geotechnical investigation, supplemental investigation, and slope stability analysis — have not been independently verified by a third-party engineer retained by the City. The pedestrian bridge geotechnical investigation also requires independent review.

IV. Road Through City Open Space

The proposed Hillcamp Trail extension will dedicate public right-of-way through land currently owned by the City of Lone Tree as open space. This land was transferred to the City with the understanding that it would be preserved as open space. The City should not transfer or dedicate open space land for a road that primarily benefits a private development without a transparent public process, including a vote by the City Council and meaningful community input. Approving a Final Plat that dedicates City open space for a private development road sets a troubling precedent — especially when the community has

expressed strong opposition, as demonstrated by over 4,500 petition signatures collected by Save the Lone Tree Bluffs.

V. Drainage and Environmental Impact of Road Construction

The road extension will disturb significant acreage and alter natural drainage patterns. The Phase III drainage report, GESC plans, and GESC report have not been independently validated. Specific concerns include:

- Impact of road construction drainage on the watershed canyon below;
- Adequacy of proposed erosion and sediment controls during construction;
- Impact on the East-West Trail ecosystem during and after construction; and
- Tree protection plan adequacy for the proposed disturbance area.

VI. No Approved Access Through Adjacent Properties

The Hillcamp development is effectively landlocked. The proposed road extension provides access from the north via Cabela Drive, but the developer has not secured access agreements with MacArthur Ranch to the west or Surrey Ridge to the south. The Final Plat application does not demonstrate that the proposed road will provide adequate access for the full development. Emergency access connections to MacArthur Ranch and Surrey Ridge are proposed but not approved.

VII. Pedestrian Bridge Over East-West Trail

The proposed pedestrian bridge over the East-West Trail requires independent geotechnical and structural review. The Douglas County Pedestrian Bridge comments have been addressed in a response letter, but independent verification is needed.

VIII. Recommendation

For the foregoing reasons, I respectfully request that the City:

1. **Defer approval** of the Final Plat until the Sub-Area Plan and both Preliminary Plans are fully approved;
2. Require **independent third-party geotechnical review** of the road alignment, slope stability, and pedestrian bridge;

3. Require a **transparent public process** for any dedication of City open space, including City Council vote and community input;
4. Require **secured access agreements** with MacArthur Ranch and/or Surrey Ridge before approving the road extension;
5. Require **independent drainage and environmental review** of the road construction impact on the watershed and East-West Trail; and
6. Ensure that **tree protection and erosion controls** are adequate and enforceable.

The Hillcamp Trail Final Plat is the linchpin of the entire Hillcamp development. Without this road, the development cannot proceed. Approving it before resolving the underlying concerns about geotechnical stability, traffic, drainage, wildlife, and open space preservation would be premature and irresponsible. I urge the City to hold the applicant to the highest standard and ensure that any road through City open space serves the public interest — not just a private developer's.

Thank you for your time and consideration.

Respectfully submitted,

Patrick Hutchinson

9588 Viewside Drive, Lone Tree, CO

Dear Members of the City Council,

I am writing to you again regarding the Hillcamp development proposal, now under second review, following the developer's most recent response to the City's technical comments. I remain deeply concerned, and I write with greater urgency than before, because the developer's response document reveals a pattern of incomplete compliance, deferred obligations, and resistance to reasonable City requirements that should give every member of this Council serious pause before advancing this application further.

My original letter raised two fundamental concerns: the financial burden this development would impose on existing RidgeGate residents, and the irreplaceable value of the bluffs that define Lone Tree's character and desirability. Neither of those concerns has been meaningfully addressed by the developer. What the response document does reveal, however, is that even at the level of technical planning requirements, requirements far more specific and far more modest than the community's broader objections, the developer has repeatedly failed to satisfy the City's own staff.

I ask the Council to consider the following specific deficiencies in the developer's response:

Repeated Non-Compliance with Staff Comments

The response document is notable not for what the developer has resolved, but for how many comments required multiple rounds of review before receiving even a partial response, and how many remain inadequately addressed even now. The City's own planning staff used the phrase "prior comment still stands" no fewer than seven times across this single review cycle. This is not a minor procedural observation. It reflects a developer who has, on repeated occasions, provided responses that the City's professional staff found insufficient, incomplete, or evasive. A development of this sensitivity and consequence deserves an applicant who meets the City's requirements fully and in good faith; not one who must be asked the same questions three and four times.

Inadequate Protections for the Bluffs and Visual Sensitivity Areas

The most consequential unresolved issue in the developer's response concerns building height and visual impact in the areas of highest sensitivity. The City's Planning Division noted—again, as a repeat comment—that the developer's approach to height limits in the Southridge Preserve Planned Development area does not correctly apply the underlying PDD requirements. Specifically, the developer's language was revised to say structures should "minimize" visibility rather than "verify non-visibility," as the SP PD explicitly requires. This is not a matter of drafting style. It is a substantive weakening of the protections that the existing planned development documents were designed to provide. The City caught this and pushed back. The developer's willingness to soften this language, and the Council's willingness to accept or reject that softening, will determine in practical terms whether homes on the bluffs will be visible from

below, or whether the ridgeline will remain uncompromised as residents expect and as the underlying PDD requires. I urge the Council to hold this line without compromise.

Setbacks Removed Rather Than Properly Defined

The developer's response to the City's legitimate concerns about setbacks, concerns raised repeatedly across multiple review cycles, was ultimately to remove setbacks from the Sub-Area Plan entirely rather than to develop an appropriate and site-specific framework as the City requested. While the City encouraged a more creative and site-specific approach to setbacks consistent with the unique topography of individual lots, removing setbacks altogether is not an acceptable substitute. The absence of clearly defined setback standards, particularly on a development with the geological complexity, slope sensitivity, and visual exposure of the Hillcamp site, creates ambiguity that benefits the developer at the expense of the community. The Council should require that a rigorous, clearly defined process for establishing lot-specific setbacks be in place before this application advances.

Wildfire Mitigation Deferred Without Adequate Accountability

The developer's handling of wildfire mitigation requirements is particularly troubling given the fire risk profile of the bluff environment. The City's Planning Division specifically noted that the developer "partially added" required language regarding wildfire risk assessments and mitigation plans, but that the matter "will need to be addressed further in the Development Agreement." This is a recurring theme in the developer's responses: deferring substantive obligations to future agreements rather than establishing them in the Sub-Area Plan where they belong. Given the potential consequences of inadequate wildfire mitigation in this specific location, the Council should require that wildfire standards be fully defined and binding at this stage, not left to future negotiation.

Site Disturbance Language Refused

Perhaps most revealing is the developer's outright refusal to add language, requested by City staff on at least two review cycles, stating that "the City of Lone Tree shall determine when site disturbance is unavoidable." The developer's stated reason is that such determinations are better made during future plan reviews. But the City specifically requested this language precisely because it establishes the City's authority to make those determinations. Declining to include it is not a technical objection; it is a resistance to accountability. This Council should ask itself why a developer committed to working collaboratively with the City would object to language that simply affirms the City's existing authority.

The Broader Community Concern Remains Unaddressed

Beyond these specific technical deficiencies, my original concerns stand entirely unaddressed. The financial burden this development places on existing RidgeGate households, in a district already carrying mill levies that prospective buyers cite as a reason to look elsewhere, has not

been analyzed, acknowledged, or mitigated by the developer. The community opposition to this project remains as strong as ever. I have still not encountered a single resident of Lone Tree who supports this development, and the strength of that opposition is not incidental. It reflects a genuine and deeply held belief that this development is not in the long-term interest of our city.

The City's own professional staff has flagged meaningful deficiencies in this application across multiple review cycles. The community has spoken clearly and consistently. I respectfully but urgently ask the Council to require full and complete resolution of every outstanding staff comment, without exception and without further deferral to future agreements, before this application moves forward. The bluffs, the fiscal health of existing residents, and the long-term character of Lone Tree deserve nothing less.

Thank you for your continued service to this community and for your careful consideration of these concerns.

Sincerely,

Public Comment on the Cabela Drive / Hillcamp Drive Extension (Primary Access Roadway)

The Cabela Drive / Hillcamp Drive extension is the controlling action for the entire Hillcamp proposal. Because this roadway establishes the sole primary access point for all future development, its approval would predetermine the outcomes of the Sub-Area Plan, both Preliminary Plans, and all subsequent land-use applications. Under Colorado's standards for quasi-judicial land-use decisions, an access approval that is foundational to traffic modeling, emergency-response feasibility, environmental impacts, and fiscal obligations must withstand the highest level of scrutiny. This application does not meet that standard.

As a Douglas County resident, I have a direct and substantial interest in this decision. The roadway's impacts extend far beyond Lone Tree's boundary. The financial burdens, emergency-response implications, traffic congestion, and open-space losses created by this access road will be borne by Douglas County residents who receive none of the private financial benefits of the Hillcamp development. The developer captures the profit; the public inherits the unfunded mandates.

Legal and Procedural Significance of the Access Roadway

The City cannot finalize the Sub-Area Plan or Preliminary Plans as proposed without this access point. The access road is the structural assumption underlying:

- All traffic impact analyses
- All emergency-response and evacuation modeling
- All infrastructure capacity projections
- All environmental and open-space impact assessments

If the access road is unsafe, inconsistent with adopted planning documents, or financially unsound, the dependent applications cannot be legally approved in their current form. Denial of the access road would require revisions, continuances, or new conditions across the entire Hillcamp package.

Emergency Access and Wildfire Evacuation

Colorado's Wildfire Resiliency Code Board recommendations and the Colorado State Forest Service's Wildfire Risk Reduction Best Practices emphasize the requirement for multiple, reliable evacuation routes for residential developments in wildland-urban interface (WUI) areas. The Hillcamp mesa qualifies as WUI terrain due to vegetation, slope, and proximity to open space.

A single primary access road across bluff edges and steep grades does not satisfy these standards. If the roadway becomes obstructed by fire, smoke, landslide, or structural failure, residents would have no secondary evacuation route. Approving an access point that cannot guarantee safe egress under foreseeable wildfire conditions exposes both Lone Tree and Douglas County to significant public-safety risk and potential liability.

Loss of Existing Public Open Space and Wildlife Habitat

The proposed roadway cuts directly through open space currently used by the public and functioning as wildlife habitat. Colorado Parks and Wildlife's Eastern Plains Conservation Strategy identifies mesa-top habitats as high-value ecological areas due to raptor nesting, migratory bird pathways, and mule deer movement corridors.

Approving the access road would permanently fragment this habitat before the City has even evaluated the broader Sub-Area Plan. Because the access road dictates the entire development footprint, its approval effectively predetermines the loss of this open space.

Traffic Safety and Congestion Impacts

The City's traffic assumptions for Hillcamp rely entirely on this access point. If the roadway cannot safely handle projected volumes, the traffic modeling used in the Sub-Area Plan becomes invalid.

The Colorado Department of Transportation's Access Management Manual requires that primary access points demonstrate:

- Adequate sight distance
- Safe turning movements
- Capacity to handle peak-hour volumes
- Compatibility with regional traffic flows

The proposed extension funnels hundreds of daily trips into corridors already experiencing congestion, including RidgeGate Parkway and the I-25 interchange. These are regional corridors used heavily by Douglas County residents. Approving an access point that fails to meet these standards undermines the legal sufficiency of the City's traffic findings.

Unstable Soils and Landslide-Prone Areas

The Colorado Geological Survey identifies portions of the Lone Tree Bluffs as landslide-susceptible due to expansive claystone, steep slopes, and historical mass-movement indicators. CGS guidance states that development in such areas requires "avoidance where feasible" and "extensive geotechnical mitigation where avoidance is not possible."

Constructing a primary access road across geologically compromised terrain creates long-term safety hazards and exposes both Lone Tree and Douglas County to substantial maintenance and liability risks. A roadway that cannot be safely engineered cannot serve as the required primary access for a major residential development.

Government Expenditures and Unfunded Long-Term Obligations

The access road imposes significant long-term financial burdens on the City of Lone Tree and potentially Douglas County. These expenditures are not adequately addressed in the application.

Roadway Maintenance

Once accepted into the public system, the City becomes responsible for pavement resurfacing, snow removal, drainage infrastructure, slope stabilization, and long-term structural repairs. Given the unstable soils and steep grades, maintenance costs will be substantially higher than for typical residential streets. These costs will be borne by taxpayers, not the developer.

Pedestrian Bridge Maintenance
The pedestrian bridge associated with this access point would require annual inspections, structural assessments, deck and railing replacements, and liability coverage. These are recurring public costs created solely to enable a private development.

Emergency-Response Costs
A single access point in a WUI area increases the burden on fire, police, and emergency-management agencies. Additional staffing, equipment, and evacuation planning may be required—none of which are accounted for in the application.

Infrastructure Lifecycle Costs
The Government Finance Officers Association recommends that municipalities evaluate the full lifecycle cost of new infrastructure before approval. The Hillcamp access application does not provide:

- A lifecycle cost analysis
- A funding mechanism
- A long-term maintenance agreement
- Any guarantee of developer participation in future costs

As a Douglas County resident, I object to a development model in which the developer captures the profit while the public inherits the unfunded mandates. This is not fiscally responsible governance.

Inconsistency with the RidgeGate 7th Amendment Planned Development District

The proposed access point is not identified in the governing RidgeGate 7th Amendment PDD. Because the PDD controls permitted access locations, introducing a new, unapproved access road is inconsistent with the adopted regulatory framework. A Sub-Area Plan cannot override the PDD. Therefore, this access cannot be approved as proposed.

Conclusion

The Cabela Drive / Hillcamp Drive extension fails to meet essential safety, environmental, legal, and fiscal standards. Because this roadway is the prerequisite for all other Hillcamp applications, its deficiencies cannot be corrected downstream. Approval would impose long-term, unfunded public costs on Lone Tree and Douglas County residents while delivering private financial gain to the developer.

This access road should be denied.

Public Comment on the Hillcamp Sub-Area Plan

The Hillcamp Sub-Area Plan should not be adopted because the framework it establishes is fundamentally flawed. A Sub-Area Plan is the controlling document for everything that follows—land use, road networks, open-space configuration, and design standards. Once adopted, it locks in a development pattern that cannot be meaningfully corrected later. If the foundation is flawed, every subsequent application inherits those flaws.

Land Use
The plan predetermines the conversion of nearly the entire mesa-top landscape into residential development. This is one of the last intact bluff ecosystems in the south-metro region, and its loss would affect far more than Lone Tree. These mesa tops form part of a connected ecological and recreational system used by residents across Douglas County and the broader Denver metro area. Decisions about this land have regional consequences, which is why I have a direct interest in the outcome.

Road Networks
The proposed road framework embeds long-term congestion and safety issues into the plan. These impacts will not be contained within Lone Tree's borders. Traffic from 343 new homes will spill into regional corridors that serve commuters, trail users, and neighboring communities. Once this network is codified in the Sub-Area Plan, it becomes extremely difficult to redesign or mitigate.

Open Space Configuration
The open-space layout is shaped around development footprints rather than ecological function. This undermines wildlife corridors, degrades the East-West Regional Trail experience, and diminishes a landscape that residents from multiple cities rely on for recreation, health, and connection to nature. The value of this open space is regional, and its loss affects all who use it.

Design Standards and Development Expectations
The standards in the plan do not reflect the broader community's values around conservation, trail protection, and responsible growth. By adopting these standards, the City would be endorsing a development pattern that is incompatible with the unique landscape and with the long-term interests of the greater south-metro community.

Request
Because the Sub-Area Plan is the blueprint for all future decisions, it must be held to the highest standard. This plan does not meet that threshold. I urge the City to reject the Hillcamp Sub-Area Plan and require a framework that protects the mesa tops, maintains the integrity of the East-West Regional Trail, and reflects the interests of both Lone Tree residents and the broader regional community that depends on this landscape.

Opposition Statement on the Hillcamp Southridge Preserve Preliminary Plan

The Southridge Preserve Preliminary Plan represents a smaller but still highly consequential component of the overall Hillcamp proposal. Its location—immediately adjacent to Bluffs Regional Park and key segments of the East-West Regional Trail—means that even “reduced-scale” development carries outsized impacts on regional recreation, wildlife movement, drainage systems, and wildfire-risk exposure. The plan cannot be evaluated in isolation because it is structurally dependent on the same unapproved, historically unsupported access point as the larger Hillcamp subdivision. If the Cabela Drive / Hillcamp Drive access is unresolved or denied, the Southridge Preserve plan cannot stand as proposed.

Impacts to Public Trails, Open Space, and Regional Recreation

The Southridge Preserve plan positions residential development directly beside Bluffs Regional Park and portions of the East-West Trail—one of the most heavily used regional trail corridors in Douglas County. The amenities and trails shown in the plan are designed primarily for Hillcamp residents, not the broader public. Much of the labeled “open space” functions as internal subdivision land, not truly accessible public open space. This contradicts the long-standing regional expectation that the mesa-top landscape remain open, continuous, and ecologically intact.

The East-West Trail’s value lies in its uninterrupted views, quiet, and natural character. Introducing a subdivision at this proximity fundamentally alters the experience for thousands of regional users.

Wildlife Habitat and Movement Corridor Disruption

The mesa-top and bluff-edge habitats adjacent to the Southridge Preserve area are part of a continuous wildlife movement corridor historically recognized by Douglas County. Mule deer, raptors, migratory birds, and small mammals rely on this terrain for movement, nesting, and foraging. The plan fragments these corridors and introduces fencing, lighting, noise, and human activity that degrade habitat quality.

Wildlife impacts are not confined to Lone Tree; they extend into Douglas County’s broader ecological network.

Terrain Modification and Grading Conflicts

The plan claims to “preserve topography,” yet significant hillside grading and terrain modification are required to accommodate roads, pads, and utilities. This is inconsistent with both the historical land-use intent for the bluffs and the City’s own stated goals for sensitive-land protection. The bluff edges and slopes in this area are geologically fragile, with expansive claystone and landslide-susceptible soils documented by the Colorado Geological Survey.

Altering these slopes increases long-term maintenance costs, erosion risk, and drainage impacts on established neighborhoods below.

Drainage and Downstream Impacts

The Southridge Preserve area sits above existing neighborhoods in Douglas County. Concentrated runoff from new impervious surfaces, re-graded slopes, and altered drainage patterns will flow downhill into communities that were never designed to receive additional stormwater from a bluff-top subdivision.

Drainage failures in this terrain are not hypothetical—they are predictable.

Wildfire Risk to Rural Communities

Nearby communities such as McArthur Ranch and Surrey Ridge rely on wells and do not have city-maintained fire hydrants. Introducing a new subdivision in a wildland-urban interface area increases ignition risk, evacuation complexity, and emergency-response burdens for these rural neighborhoods. The Southridge Preserve plan does not address these cumulative risks.

A development that increases wildfire exposure for communities without municipal water infrastructure is not responsible planning.

Drought and Water-Supply Concerns

The region is experiencing one of the warmest and driest winters in recent memory. Adding new residential demand on a constrained water system during a period of increasing drought risk raises serious questions about long-term sustainability. The plan does not meaningfully address water-supply resilience or drought-adaptation measures.

Cumulative Impacts on Douglas County and Surrounding Communities

The Southridge Preserve plan compounds the impacts of the larger Hillcamp proposal. These cumulative effects include:

• Increased traffic on regional corridors
• Greater emergency-response burdens
• Loss of regional open space
• Increased wildfire-evacuation complexity
• Higher long-term infrastructure costs
• Degradation of the East-West Trail experience

Douglas County residents bear these impacts despite receiving none of the private financial benefits of the development.

Structural Dependency on the Unapproved Access Road

The most critical flaw in the Southridge Preserve Preliminary Plan is its total dependence on the Cabela Drive / Hillcamp Drive access road. Every traffic assumption, emergency-response calculation, grading plan, and internal circulation design relies on that access point existing.

If the access road is unresolved, unsafe, inconsistent with the RidgeGate PDD, or denied, the Southridge Preserve plan collapses. It cannot stand as proposed.

Closing Statement

The Southridge Preserve Preliminary Plan is incompatible with the historical land-use intent for the bluffs, harmful to regional wildlife and recreation, risky for wildfire-prone rural communities, and dependent on an access road that has never been legally authorized. It imposes cumulative impacts on Douglas County residents and surrounding neighborhoods while offering limited public benefit and significant long-term public cost. This plan should be denied.





















<html><head></head><body style="overflow-wrap: break-word; -webkit-nbsp-mode: space; line-break: after-white-space;">I have been hiking the Bluffs since 2012. I moved to Parker in 2017 & still continue to go to the Bluffs five days a week followed by shopping at Sprouts, Target or grabbing a bite to eat in Lone Tree. When family from AZ, KS, FL, Croatia & Spain visit~we head to the Bluffs. The Bluffs is a healthy place for physical & mental wellbeing. The Bluffs is a sacred home to wildlife, native plants & flowers. Please do not develop & destroy all this beauty.</body></html>

Highland View Estates Homeowner Association
James Brant - President
Chuck LaCouture – Vice President
10817 Highland View Court
Lone Tree, Colorado 80124
brantranch@ecentral.com
05/15/26

To: Chuck Darnell, Principal Planner, City of Lone Tree

RE: Second Referral Comments on Hillcamp Development / Southridge Preserve – Application RG24-0007

Highland View Estates Homeowner Association (HVEHOA) appreciates the opportunity to provide additional comments regarding the Hillcamp Development, including the Southridge Preserve (Application Number RG24-0007).

HVEHOA is a participating member of the McArthur Drive Coalition. Representatives of the Coalition have met with the Hillcamp developer and have also spoken with the City of Lone Tree regarding the future use of McArthur Drive. Both the developer and the City have stated that McArthur Drive will be used **solely as an Emergency Vehicle Access (EVA)**.

HVEHOA understands that the EVA connection from Hillcamp to McArthur Drive will need to be paved due to the grade of the road. However, we strongly request that **a locked gate be installed at both the top and bottom of the EVA**. This is necessary to prevent the public from driving down the paved section and finding themselves in a situation where they must reverse back up the grade, creating safety hazards.

In addition, HVEHOA requests that the EVA designation for McArthur Drive be made **permanent** through a deed restriction, plat note, or other legally binding mechanism to ensure that McArthur Drive remains restricted to emergency access only.

Finally, HVEHOA does **not** support the use of McArthur Drive for construction traffic at any stage of the Hillcamp project. McArthur Drive is heavily used by horseback riders, walkers, bicyclists, and local track teams. Any increase in construction-related traffic would significantly elevate the risk of serious injury to these users.

James Brant
James Brant - President
Highland View Estate Homeowners Association

Formal Master Objection — Hillcamp Development Applications

Mar Woodworth

May 16, 2026

Table of Contents

FORMAL MASTER OBJECTION AND REQUEST FOR DENIAL, CONTINUANCE, OR MATERIAL CONDITIONS 3
Executive Summary 3
I. Introduction and Standing 7
II. The Four Applications Must Be Treated as One Integrated, Cross-Dependent Development 8
II.A The Segmentation as a Procedural Tactic — "Divide and Conquer" 9
III. The Single Primary Access Design Is the Central Fatal Defect 10
IV. A Code-Compliant Southern Surrey Drive Alternative Already Exists in the Developer's Own Record 11
V. Wildfire and Evacuation Risk Make Network Redundancy a Life-Safety Requirement, Not a Design Preference 13
The SMFR Referral Response of February 4, 2026 — Now on the Public Record 15
VI. The Geotechnical Record Is Preliminary, Internally Inconsistent, and Insufficient for a Sole-Access Road 17
A. Multiple interim factor-of-safety values fall below industry-accepted minimums 18
B. The central portion of the roadway has no sub-surface data 19
C. CTL acknowledges the corridor cannot be properly modeled 19
D. The independent third-party reviewer (Ground Engineering) warns the cohesion values are too aggressive 19
E. The developer's own engineer's central recommendation is one the developer cannot follow on this alignment 20
F. The adjacent Retreat Tract C slope failure 20
G. The Shannon & Wilson Landslide-Susceptibility Map (January 2026) and the Documented 2024–2025 Slope-Failure Event 21
H. The Documented Summer 2024 – Winter 2025 Slope-Failure Event Adjacent to the Proposed Hillcamp Fire Access Road 22
I. Public-Record Gap and Requested CORA Production 23

VII. The Drainage Solution Is Currently Non-Code-Compliant; The Project Will Increase Debris-Flow Risk Downstream 23
A. The application currently does not comply with the Lone Tree subdivision code 23
B. The drainage report contradicts itself 24
C. The project will increase debris-flow risk on adjacent properties 24
D. Hydrologic soil group and downstream constraints 25
VIII. Traffic, Hospital Access, and Regional Circulation 25
IX. The Open-Space, Bluffs Viewshed, and 2020 City Record 26
IX.A The Power-Line Undergrounding Record — A Direct, Documented City Policy Recognizing the Bluffs Viewshed as a Public Asset 26
IX.B The Developer Has Not Provided Honest Visual Simulations 27
IX.C What the City Should Require 28
X. The Proposal Improperly Defers Critical Decisions 28
XI. Long-Term Maintenance, Funding, and Public Liability 29
XII. The Independent Agency and Third-Party Engineering Reviews Already on the Record Are Adverse to the Applicant 30
XIII. Application-Specific Objections 31
A. RG24-0007 — Hillcamp Sub-Area Plan (Framework) 31
B. SB25-0010 — RidgeGate Rural Residential Preliminary Plan (261 Lots) 32
C. SB25-0009 — Southridge Preserve Preliminary Plan (82 Lots) 32
D. SB25-0014 — Final Plat / Cabela Drive – Hillcamp Trail Extension (Filing No. 1) 32
XIV. Required Conditions if the City Declines to Deny the Applications 32
XV. Conclusion 35
Source Record Relied Upon 36
Appendix A — Alternative Access Comparison (developer's own analysis, recharacterized) 39
Appendix B — Top Quotation Pack (for the public hearing record) 40
Appendix C — South Metro Fire Rescue Referral Response, February 4, 2026 — Itemized Compliance Failures 41
Appendix D — Shannon & Wilson Exhibit 21 (January 2026) and the Documented 2024–2025 Slope-Failure Event 44
Appendix E — Cross-Reference: Where Each New Exhibit Strengthens Each Section of This Objection 45

FORMAL MASTER OBJECTION AND REQUEST FOR DENIAL, CONTINUANCE, OR MATERIAL CONDITIONS

Hillcamp Development Applications — City of Lone Tree

Applications addressed: - **RG24-0007** — Hillcamp Sub-Area Plan - **SB25-0010** — Hillcamp RidgeGate Rural Residential Preliminary Plan (261 lots) - **SB25-0009** — Hillcamp Southridge Preserve Preliminary Plan (82 lots) - **SB25-0014** — Final Plat / Cabela Drive – Hillcamp Trail Extension (Filing No. 1)

Submitted by: Mar Woodworth 10704 Bluffside Drive, Lone Tree, CO 80124 pawdwrth@yahoo.com **Date:** May 16, 2026

Requested action: Deny the four Hillcamp applications as currently proposed. At minimum, **continue** the applications and require a unified, cross-dependent review and substantial redesign — including a second permanent, full-time, paved, public southern access road extending from North Surrey Drive — before any approval is granted.

Executive Summary

#	Core defect on the current record	Requested condition / remedy
1	**Improper segmentation.** Four functionally interdependent applications are being reviewed as if independent. The City's own staff has stated that a Development Agreement *"will be necessary for the proposed overall Hillcamp development (including applications SB25-0014, RG24-0007, SB25-0009, and SB25-0010)."* (City Response Letter, p. 2)	Treat all four applications as cross-dependent approvals. Denial, withdrawal, or material modification of any one application must require reconsideration of the others. No approval without an executed Development Agreement covering all four.
2	**Single full-time access dependency.** A 343-home community on a wildfire-prone, geotechnically sensitive mesa would be served by ONE primary public road (the Cabela Drive / Hillcamp Trail extension), with two gated, emergency-only connections (McArthur Drive west, North Heather Drive south). The developer's own Wildfire Risk Assessment admits: *"Ingress/Egress traffic will experience a higher vulnerability here at buildout due to the increased traffic load from Hillcamp."* (WRA, p. 13)	Require a **second permanent, full-time, paved, public southern access road**, with the alignment extending from **North Surrey Drive**. Emergency-only gated access does not satisfy this requirement. See §IV.
3	**A code-compliant southern alternative already exists in the developer's own record.** The developer's Alternative Access Memo (Nov 20, 2025) evaluated **seven**	Approval should not occur on an alignment that is steeper, more landslide-exposed, and more dependent on a single corridor than

	alignments. Alternative 7 — a Surrey Ridge alignment engineered to City and Fire criteria — has a roadway slope of **4.7%**, which is **gentler than the chosen 6.0% Cabela alignment** and is the **gentlest grade in the entire matrix.** (Alternative Access Memo, p. 6 Summary Table)	an alternative the developer itself analyzed and found code-compliant.
4	**The application currently does NOT comply with the Lone Tree subdivision code.** The City has formally stated: *"Because the applicant is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M, the Applicant cannot fulfill the requirements of the Storm Drainage Design and Technical Criteria Manual. As a result, the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code."* (City Response Letter, pp. 3–4)	Approval is foreclosed by the City Code on the present record. Continuance is mandatory until the applicant possesses a code-compliant drainage solution that does not depend on private property the applicant does not own and has been refused.
5	**Geotechnical record is preliminary and insufficient for a sole access road.** The Colorado Geological Survey (CGS) — an independent referral agency — states: *"the geotechnical report and supplemental slope stability evaluation are described by CTL as intended for preliminary planning only … it does not meet the level of investigation and analysis typically required to support approval of a public roadway that will serve as the sole access to a 343-unit residential development."* (Geotechnical Response Letter, p. 9)	Require final, design-level geotechnical investigation, with completed sub-surface analysis along the entire roadway (including the gap in TH-103 and TH-104 between Sta 31+00 and Sta 38+00), before any plat or preliminary plan approval.
6	**Multiple interim factor-of-safety values fall below industry-accepted minimums on the sole access road.** Sections H-H' and F-F' show interim FOS of **1.4**; section B-B' shows interim Right-to-Left FOS of **1.3** — at the bare industry minimum, below the developer's own stated "preferred" value of 1.5. (Geotech-Slope-Stability, results table pp. 7–8)	The City should hold the project to a uniform minimum FOS of 1.5 — both interim and proposed — across all sections, consistent with CGS guidance that *"tolerance for interim or localized instability is significantly lower"* for a sole-access road.
7	**The project will increase debris-flow risk on adjacent properties.** The developer's own Pedestrian Bridge Geotechnical Investigation states: *"The project may increase the debris flow susceptibility downstream."* (p. 8)	Require full-buildout debris-flow modeling (not a zero-development baseline) and downstream protection commitments enforceable against the Metropolitan District before

		approval.
8	**Developer cannot follow its own engineer's central recommendation.** CTL	Thompson recommends *"re-routing the drainages to avoid installation of sub-fill drains below the proposed road alignment."* (Slope Stability, p. 10) CGS concurred. (Geotech Response Letter, p. 12) Developer's response: *"It is not feasible for the drainageways to be rerouted."* (City Response, p. 8)
9	**Traffic study routes ZERO trips south because the development has no functional south outlet, and the chosen north alignment already fails.** TIS: *"No site-generated traffic was routed to the south, despite the proposed connection to the existing residential area via Heather Drive."* (TIS, p. 7) Park Meadows roundabout: 2024 PM peak LOS F (61s); 2028 with project LOS F (167s); 2045 LOS F with 925-foot queue *"which would conflict with access to the Sky Ridge hospital."* (TIS, Tables 1–6, pp. 17–20)	The TIS proves the project's network is unbalanced and conflicts with Sky Ridge hospital access. A second southern Surrey Drive access redistributes traffic away from a failing roundabout and away from the hospital approach.
10	**Wildfire mitigation, evacuation modeling, ridgetop placements, building envelopes, supplemental biological and cultural review, and drainage diversion design are all deferred to later discretionary processes.** The Sub-Area Plan defers wildfire mitigation to the Preliminary Plan stage; supplemental biological review to a Development Agreement; building envelopes and ridgetop locations to the Final Plat; sub-fill drain design to construction. (See §X.)	Critical life-safety, slope, drainage, and visual-impact issues must be resolved **before**, not after, approval of the governing framework.
11	**Improper reliance on private parcels and on conjectural cohesion values.** The original drainage scheme depended on conveyance of Tract M from The Retreat HOA — which the HOA has not granted. Ground Engineering's independent review warned that CTL relied on *"cohesion values … of particular concern (weathered claystone 395 psf, interbedded sandstone/claystone 500 psf, and claystone 1,000 psf) … significantly exceed[ing] the maximum amount of cohesion that we would have recommended relying on for long-term stability,*	Drainage solution must be on land the applicant owns or controls outright. Slope-stability modeling must be re-run with conservative cohesion values consistent with Ground Engineering's review.

	and even short-term stability." (Geotech Response Letter, p. 6)	
12	**Refusal to follow City fire-fuel guidance.** The City asked the applicant to *"remove gambel oak from planting plan. This plant material is a fire hazard."* The applicant refused. (City Response, pp. 16–17) The same Gambel oak fuel is identified in the WRA's most dangerous fuel class (SH7), capable of *"crown fires, torching, and intense radiant heat."* (WRA, p. 15)	The applicant must remove Gambel oak from the landscape plan as a condition of approval. Refusal demonstrates a posture of resisting independent fire-safety guidance.
13	**Viewshed and ridgeline impact on a publicly-recognized open space.** In the 2020 RidgeGate Parks & Open Space Property Transfer, City staff identified, as a public benefit, the ability to use *"Xcel undergrounding funds to underground the powerlines on top of the Bluffs visible from town."* (Study Session, Aug 4, 2020, p. 4) The City recognized this viewshed as worth a multi-million-dollar infrastructure response.	Require independent visual impact analysis (with story-poling or equivalent) from Bluffs Regional Park, the East-West Regional Trail, and all designated public viewpoints, prior to any approval.
14	**Loss of avoidable redundancy.** A southern Surrey Drive permanent access provides genuine network redundancy, balances regional traffic, supports hospital access, supplies a second wildfire evacuation route, and reduces the consequences of a Cabela / Hillcamp Trail corridor failure.	If the project cannot be approved with a true second full-time public southern access road, density and infrastructure intensity must be reduced to a level the existing access network can safely support.
15	**SMFR has not issued a non-objection.** The February 4, 2026 SMFR referral (REFPDP25-00321) identifies multiple Fire Code failures: Hill Camp Trail bifurcated 11' lanes fail the IFC 20' minimum; the Cul-de-Sac with Median fails IFC width; multiple cul-de-sacs have no design standard; site layout/density/topography do not meet the IFC two-access remoteness rule; dead-ends exceed the 750' IFC maximum; emergency access surfaces are unpaved; no grading plan or auto-turn exhibit submitted; gate configuration undefined. (SMFR Feb 4, 2026 referral, Comments 3–10.)	The City may not approve any application before the SMFR referral comments are satisfied **by geometry**, not by reliance on residential sprinklers as a substitute for code-compliant access. (See §V "The SMFR Referral Response of February 4, 2026.")
16	**The slope has already failed within the last twelve months.** The labeled "Site Slope" zone on Shannon & Wilson Exhibit 21 (Jan 2026) experienced an active slope failure from	Remove Lots 16–26 and any other lot intruding on landslide-mapped terrain. Relocate the Fire Access Road off the "Site Slope" zone.

	Summer 2024 through Winter 2025 that closed the utility access road serving the Bluffside Drive / Retreat at RidgeGate hillside for several months — under existing, undeveloped conditions, before any Hillcamp loading, grading, or stormwater modification. Lots 16–20 and 21–26 sit on or adjacent to lidar-mapped landslide deposits on the same hillside; the proposed Fire Access Road crosses the labeled "Site Slope" zone itself. (Shannon & Wilson, Project 115813-001, Exhibit 21.)	Require independent peer-review back-analysis of the 2024–2025 failure at applicant expense. (See §VI.G–I.)
17	**Express cross-default condition required for all four applications.** The four-application structure is functionally one project but procedurally severable, allowing approval-then-objection patterns the City should not accept. The Development Agreement the City has already required (City Response Letter, p. 2) must include a recorded cross-default clause. (See §II.A.)	Denial, withdrawal, expiration, infeasibility, or material modification of any one of the four applications automatically reopens the others; no certificate of occupancy issues until all four are in good standing.
18	**Bluffs viewshed power-line precedent.** In 2020 the City committed Xcel undergrounding funds to remove powerlines visible on the Bluffs because the viewshed warranted public investment. (Study Session, Aug 4, 2020, p. 4.) The same City cannot rationally approve 343 homes, 35-foot building heights, ~10-foot lot separations, 25-foot retaining walls, ridgetop driveways, and ridgetop lighting on the same Bluffs without an equivalent independent visual analysis. The developer has provided extensive marketing imagery of the undeveloped landscape but **no honest post-development simulations**. (See §IX.A–C and Hilltop Public Comment.)	Require independent story-poling, public-side 3D renderings, cumulative visual modeling, and written City staff reconciliation with the 2020 power-line undergrounding policy decision before any vote.

I. Introduction and Standing

This master objection is submitted on the public record of the four above-captioned Hillcamp applications. It is not an objection to development as such. It is an objection to **this** development, on **this** alignment, on **this** record, where the developer's own engineering, the City's own staff comments, the Colorado Geological Survey's own findings, and the independent third-party geotechnical reviewer's own cautions establish that the project as proposed is not ready for approval, is not in compliance with the City Code, is not

safe with one full-time access road, and is not consistent with the City of Lone Tree's previously expressed values for the Bluffs open-space viewshed.

I am a resident of the immediately affected neighborhood (10704 Bluffside Drive, Lone Tree, CO 80124). My property and my community are directly affected by access, drainage, fire-evacuation, slope-stability, viewshed, and traffic impacts of the proposed project. I have reviewed the developer's submittals, the City Planning Division's response letters, the Colorado Geological Survey's referral comments, the Wildfire Risk Assessment, the Alternative Access Memorandum, the Traffic Impact Study, the Geotechnical Investigations and Slope Stability Analyses, the Phase III Drainage Report, the Biological Assessment, the September 25, 2025 Rampart Range Metropolitan District No. 1 letter to The Retreat HOA requesting conveyance of Tract M, and the August 4, 2020 Lone Tree City Council Study Session staff report regarding the RidgeGate Parks & Open Space Property Transfer. I rely on the developer's own submittals and the City's own referral record. Citations are to the documents in the project file.

The four applications cannot lawfully or rationally be approved on the current record. The City should deny the applications as currently proposed. If the City declines to deny outright, the City should continue the applications and require the conditions specified in §XIV before any approval becomes effective.

II. The Four Applications Must Be Treated as One Integrated, Cross-Dependent Development

Although the City must ultimately act on each application separately, the factual and technical review must be unified. The applications are not independent projects. They are components of a single master development:

- The **Sub-Area Plan (RG24-0007)** establishes the governing framework, including the single-access circulation pattern, the wildfire-mitigation framework, the open-space configuration, and the building-height and viewshed framework.
- The **RidgeGate Rural Residential Preliminary Plan (SB25-0010)** proposes 261 single-family detached lots dependent on that framework.
- The **Southridge Preserve Preliminary Plan (SB25-0009)** proposes 82 single-family detached lots dependent on the same framework.
- The **Final Plat / Cabela Drive – Hillcamp Trail Extension (SB25-0014)** supplies the primary public vehicular access on which both Preliminary Plans depend.

These applications rise or fall together as one integrated project. That fact is not a matter of inference. It is conceded in the developer's own materials: the Hillcamp Sub-Area Plan describes Hillcamp as *"one cohesive community"* extending across two Planned Development Districts (the RidgeGate 7th Amendment PDD and the Southridge Preserve PDD), with the express purpose of creating *"one cohesive document to promote a seamless neighborhood named Hillcamp."* (Sub-Area Plan, p. 15; same characterization in HILLCAMP_R2_Hillcamp-Sub-Area-Plan.pdf.)

The Traffic Impact Study, although attached to the Final Plat, evaluates the future demand on the road by counting all **343 single-family homes** of the Preliminary Plans as the future load. (Traffic Impact Study, p. 4.) The road cannot rationally be approved without the Preliminary Plans, and the Preliminary Plans cannot rationally be approved without the road; each application's safety assumptions depend on the others.

The City has already recognized this functional interdependence. The City's own Response Letter to the developer states, in plain text:

> *"A Development Agreement will be necessary for the proposed overall Hillcamp development (including applications SB25-0014, RG24-0007, SB25-0009, and SB25-0010)."*
>
> — Hillcamp Trail City Response Letter (R2), p. 2

The City should expressly condition any approval of any one application on **all four** applications. Specifically: failure or material alteration of any one application must reopen review of the others. Without that cross-dependency safeguard, the City risks approving a partial framework that no longer accurately reflects the cumulative project impacts.

This is not a hypothetical concern. If the Cabela / Hillcamp Trail Final Plat is denied or materially modified, the residential Preliminary Plans cannot proceed as designed. If the residential density, lot layout, wildfire mitigation, or drainage assumptions change, the roadway, traffic, evacuation, and downstream debris-flow analyses must be revisited. Each application relies upon the others. Each should be conditioned on the continuing validity and compatibility of the others.

II.A The Segmentation as a Procedural Tactic — "Divide and Conquer"

The four-application structure is not a neutral procedural artifact. It is a tactical structure that — if accepted at face value by the City — allows the strongest objection to one application to be neutralized by approval of the others. This objection respectfully asks the City to recognize and reject that tactical structure.

The pattern of risk is straightforward:

- If the Final Plat for Cabela Drive / Hillcamp Trail (SB25-0014) is approved first, the City has effectively committed the access corridor and the residential Preliminary Plans inherit that decision as a fait accompli. Subsequent objection to the residential density, evacuation capacity, or alignment becomes "too late, the road is already approved."
- If the Sub-Area Plan (RG24-0007) is approved first as a "framework only" document, the residential Preliminary Plans inherit that framework as already-decided policy, and substantive objection to the underlying access, wildfire, drainage, or viewshed framework becomes "too late, the framework is already approved."
- If either Preliminary Plan is approved while the other remains pending, the cumulative 343-home traffic, evacuation, and infrastructure analysis becomes severable in a way that the developer's own traffic-impact and wildfire-risk analyses already presume it is not.

The City must impose, as an express condition on each application, a **cross-default clause**: denial, withdrawal, expiration, infeasibility, or material modification of any one of the four applications automatically reopens the others, and no certificate of occupancy may issue under any approval unless and until **all four** applications have been approved, executed in a Development Agreement covering all four, and remain in good standing. The applicant has already conceded the operative fact: Hillcamp is *"one cohesive community."* If it is one cohesive community, it must be approved as one cohesive community — or denied as one cohesive community. It must not be approved piece by piece.

The Development Agreement requirement on which the City Planning Division has already insisted (City Response Letter, p. 2) is the natural vehicle for the cross-default clause. The Development Agreement must:

1. Identify all four applications by name and number;
2. Recite that each application is functionally interdependent with the others;
3. Provide that no approval shall become effective until all four are mutually compatible and executed;
4. Provide that denial, expiration, withdrawal, infeasibility, or material modification of any one application automatically reopens the others for renewed City review;
5. Bind RidgeGate Investments, Rampart Range Metropolitan District No. 1, any successor metropolitan district, and any developer transferee, with recorded covenants running with the land;
6. Provide default remedies enforceable by the City, including the right to suspend further approvals and to require security for completed obligations.

The applicant has had every opportunity to volunteer this cross-default treatment. It has not. The City should require it.

III. The Single Primary Access Design Is the Central Fatal Defect

The proposed circulation framework is **not resilient**. It concentrates ordinary daily traffic, emergency response, evacuation egress, service access, utility access, and visitor access onto one primary full-time roadway: the extension of Cabela Drive as Hillcamp Trail. The applicant then proposes two "emergency-only" connections — McArthur Drive (west) and North Heather Drive (south) — which by the applicant's own description will be *"strictly emergency only," "gated,"* with knox box locks, and *"will not be open for general public vehicular traffic."* (Hillcamp Community Response Letter, p. 4; HILLCAMP_R2_Hillcamp-Sub-Area-Plan.pdf, §2.11.2, p. 33.)

That is not access redundancy. It is single-point-of-failure design with two padlocks on it.

A modern residential subdivision of 343 units, on elevated terrain, with documented wildfire exposure, documented slope sensitivity, documented landslide and debris-flow hazards, documented expansive soils, and documented downstream drainage constraints, should not be approved with one full-time access corridor.

The risks are entirely foreseeable, and most of them are documented in the developer's own materials:

1. A single vehicle crash, stalled vehicle, fire-apparatus conflict, winter weather closure, smoke impairment, roadway repair, utility work, drainage failure, slope movement, or evacuation back-up could compromise the only road available to residents, visitors, services, and emergency responders **simultaneously**.
2. The Wildfire Risk Assessment expressly admits: *"Ingress/Egress traffic will experience a higher vulnerability here at buildout due to the increased traffic load from Hillcamp, as more vehicles are put on the road in event of mass ingress/egress."* (Wildfire Risk Assessment, p. 13.) The developer's own consultant tells the City that build-out makes egress **worse**, not better.
3. The McArthur Drive emergency connection is approximately **10% grade**, which the applicant concedes is *"much steeper than the 6% allowed for a public roadway, and that a public roadway connection is therefore infeasible at that location."* (Community Response Letter, p. 4.) That is a concession that the western emergency connection cannot do the work of a full-time public road.
4. The North Heather Drive emergency connection is *"highly circuitous"* and provides no meaningful traffic offloading from Cabela / Hillcamp Trail. (Cf. Hilltop Public Comment, p. 2; consistent with TIS routing assumptions.) The applicant's own TIS routes **zero** project-generated traffic to the south, because: *"No site-generated traffic was routed to the south, despite the proposed connection to the existing residential area via Heather Drive. Drivers are unlikely to use this route, as it provides a less direct path to I-25."* (Traffic Impact Study, p. 7.)
5. Gated emergency-only access introduces operational uncertainty independent of geometric adequacy: gate failures, lock failures, snow removal, maintenance responsibility, Knox-box compliance, district enforcement, signage, and physical condition all become potential failure points at the moment of greatest demand.

Emergency-only access is not access redundancy. Emergency-only access may help one fire apparatus reach one location under one set of circumstances. It does not provide ordinary traffic distribution, ordinary evacuation capacity, ordinary service access, or ordinary redundancy for daily failures. The City should not treat gates with padlocks as if they were a second road.

The proper standard for a hillside community of this size, exposure, and infrastructure intensity is simple: **two fully operational, permanent, public, full-time access corridors.** The southern connection should not be emergency-only. It should be a real road.

IV. A Code-Compliant Southern Surrey Drive Alternative Already Exists in the Developer's Own Record

This is the single most important section of this objection.

The developer's own **Alternative Access Memorandum, dated November 20, 2025**, evaluated seven alignment alternatives. The full Summary Table is reproduced here from the developer's submittal:

Alt	Description	Length	Grade	Meets emergency-access criteria
1 (Green — chosen)	**Cabela / Hillcamp Trail extension north into The Retreat**	**4,077 LF**	**6.0%**	**Yes**
2 (Magenta)	Retreat HOA ranch-road route	1,708 LF	8.0%	Yes
3 (Purple)	T-intersection at Cabela	1,179 LF	11.9%	No
4 (Light Blue)	T-intersection NE	1,240 LF	12.6%	No
5 (Dark Blue)	Through rear of Cabela's commercial	1,805 LF	8.9%	Yes
6 (Orange)	**Surrey Ridge alignment per RGPD 7th Amendment**	**1,786 LF**	**9.8%**	**Yes**
7 (Red)	**Surrey Ridge engineered to City and Fire grades**	**3,717 LF**	**4.7%**	**Yes**

Source: 14-Hillcamp-Drive-Alternative-Access-Memo.pdf, p. 6 (Summary Table). Citation also at p. 7.

Two findings should be unmistakable to the City and to anyone reading the developer's submittal:

1. **A Surrey Drive alignment that meets City and Fire Department roadway criteria has a roadway slope of 4.7%.** That is **1.3 percentage points gentler** than the developer's chosen Cabela / Hillcamp Trail alignment at 6.0%. It is the gentlest grade in the developer's own matrix. It is well within standard public-roadway design. It is not a fringe alternative. It is a code-compliant southern alignment.
2. **The developer's own materials concede that the PDD framework does not lock the alignment.** The Alternative Access Memorandum states, on p. 3: *"All access points shown in the RidgeGate PDD were analyzed in greater detail, including one from the Retreat and one from Surrey Drive. The PDD document notes that Major Circulation Elements are conceptual in nature and subject to modification and refinement."* Likewise, the developer's own Retreat Response Letter states: *"the RidgeGate PDD did not establish the location of roadways."* (R2 Retreat Response Letter, pp. 5–6.) The PDD does not preclude — and was never intended to preclude — a southern Surrey Drive alignment.

The developer's stated reasons for rejecting the Surrey Drive alternatives are not engineering reasons. They are characterized as:

- *"Avoided to preserve wildlife access to Happy Canyon Creek and the regional underpasses"*
- *"uses the one-way underpass with access going north"*

- *"Significant visual impact to the 'bluffs-cliffs' from Interstate 25"*
- *"Environmentally infeasible"*

  Source: 14-Hillcamp-Drive-Alternative-Access-Memo.pdf, pp. 5–6.

The City's own Planning Division has rejected this analysis as inadequate. The City states, in its formal Response Letter:

> *"the topics considered (in the bullet points under each alternative alignment in the memorandum) include vague statements (e.g. 'Environmentally infeasible') that are based on simple statements and are not supported by any thorough analysis. The comparison of the topics considered between all of the alternative alignments is not well defined, and is limited to a few topics within the 'Summary Table' on Page 7."*
>
> — Hillcamp Trail City Response Letter (R2), p. 18 ("Access Memorandum")

The City has already identified that the developer's stated reasons for rejecting the Surrey Drive alternatives are conclusory and unsupported. This objection adopts that finding. The developer's own paid consultant analyzed a Surrey Drive alignment that meets City and Fire criteria with a 4.7% grade, and the developer's stated reasons for dismissing that alignment are not technical findings but characterizations the City has called inadequate.

The accurate framing of the access question is this: a code-compliant, gentler-grade southern alignment exists. The developer chose not to use it. The City has not yet been given an adequate engineering analysis of why. Until that analysis is provided and independently reviewed, the Hillcamp applications should not be approved on a single-access alignment.

My minimum requested condition, if the City declines to deny outright, is that approval of any application be conditioned on construction of a permanent, full-time, paved, public second access road extending from North Surrey Drive, on or adjacent to the Alternative 7 alignment, designed to City and Fire Department public roadway criteria. The road must be open to general public vehicular traffic, not gated. The construction obligation must be enforceable against Rampart Range Metropolitan District No. 1, RidgeGate Investments, and any successor metropolitan district, with reserve funding and default remedies recorded against the property.

V. Wildfire and Evacuation Risk Make Network Redundancy a Life-Safety Requirement, Not a Design Preference

The applicant's own Wildfire Risk Assessment (WRA) places the site in a Moderately-High to High Burn Probability zone, with neighboring property to the south rated *"Highest."* The WRA notes:

> *"Burn Probability … Hillcamp and its neighboring properties, given current conditions, are 'Moderately High' to 'High' on the BP index. Part of this is due in part to the 'Highest' BP that the neighbors to the South experience."*
>
> — Wildfire Risk Assessment, p. 9

The WRA describes fire-spread rates of *"12-40 chains per hour (or feet per minute) in the grasslands and a higher rate of 40-60+ chains/hr in the steep ravines filled with Gambel oak."* (WRA, p. 10.) The dominant shrub fuel type — SH7 — is described by the WRA as *"one of the most intense shrub fuel models … crown fires, torching, and intense radiant heat, making suppression efforts extremely challenging."* (WRA, p. 15.) The WRA also identifies a chimney effect in the ravines: *"It is called the 'chimney effect' when these fuels burn and pre-heat other higher elevation fuels, drying them out and increasing their exothermic reactions before the fire reaches and torches them."* (WRA, pp. 15–16.) The WRA cites a 2021 plane crash and small fire on the eastern edge of the platted area as a recent precedent. (WRA, p. 12.)

In that fire environment, the WRA itself states, in the section directly addressing the access network: *"Ingress/Egress traffic will experience a higher vulnerability here at buildout due to the increased traffic load from Hillcamp, as more vehicles are put on the road in event of mass ingress/egress."* (WRA, p. 13.) And: *"The addition of a hard surfaced fuel break will decrease the associated risk values and increase the egress capabilities."* (WRA, p. 13.) The WRA recognizes that additional **hard-surfaced (paved) egress** reduces wildfire risk. The current proposal provides no such hard-surfaced second egress route. McArthur Drive is described in the Sub-Area Plan as *"perpetually unpaved."* (R2 Sub-Area Plan, §2.11.2, p. 33.)

Notwithstanding the WRA's own findings, the applicant's Sub-Area Plan **defers the wildfire mitigation plan itself to a later stage**: *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans."* (R2 Sub-Area Plan, p. 25.) The City has objected: *"This section is more of an intent statement and therefore must acknowledge that exact wildfire mitigation standards and practices will be identified in subsequent wildfire risk assessments and wildfire mitigation plans."* (R2 Sub-Area Plan City Response Letter, p. 8.) The City's framework approval is being asked to occur before the wildfire mitigation plan is ready, on a site the developer's own consultant has identified as Moderately-High to High burn probability adjacent to the Highest-BP neighbors.

The applicant has also refused City staff's specific recommendation to remove Gambel oak from the landscape plan. The City wrote: *"In the landscape plans (Sheets 45-50) remove gambel oak from planting plan. This plant material is a fire hazard and new plantings of gambel oak should not be introduced so close to residential uses and so close to the roadway where they will encourage additional wildlife refuge immediately adjacent to the roadway."* (City Response Letter, pp. 16–17.) The developer refused to remove Gambel oak. (City Response Letter, p. 17.) Gambel oak is the same shrub fuel that the WRA identifies as supporting *"crown fires, torching, and intense radiant heat."* (WRA, p. 15.) The City's request was prudent. The refusal was not.

Independent wildfire-evacuation modeling is required. The model must analyze simultaneous resident egress and emergency responder ingress under blocked-road, smoke-reduced visibility, winter, nighttime, and high-wind scenarios. The model must assume that the Cabela / Hillcamp Trail corridor may be partially or fully unavailable for some period. If the project cannot safely evacuate without that corridor, it cannot safely be approved without a second permanent, full-time, paved, public southern access road.

The SMFR Referral Response of February 4, 2026 — Now on the Public Record

South Metro Fire Rescue (SMFR) issued its formal referral response on **February 4, 2026** (SMFR Review # **REFPDP25-00321**), addressed to Senior Planner Chuck Darnell of the City of Lone Tree, and signed by Scott Stene, Plan Reviewer, and Rich Conroy, Deputy Fire Marshal. The letter expressly states that *"the following comments need to be addressed and/or further discussed prior to SMFR issuing a non-objection letter for the proposed development to move forward."* SMFR has **not** issued a non-objection. The applications are not yet code-compliant in the view of the agency responsible for fire and life safety. SMFR's controlling code references are the 2021 International Fire Code (IFC), the 2025 Colorado Wildfire Resiliency Code and Map, the 2025 City of Lone Tree CWPP, the 2022 Douglas County CWPP, and SMFR's own Fire Access Road Design Criteria.

The substantive findings in the SMFR referral are summarized below. Each is a public-record code-compliance failure or condition. They are not theoretical objections by residents — they are written conclusions of the responding fire agency.

1. **Hill Camp Trail does not meet the IFC minimum unobstructed width** (Comment #4). The IFC minimum for fire-apparatus access is 20 feet. The plans show Hill Camp Trail as a bifurcated road with 11-foot all-weather travel lanes — only 22 feet of paved width total, but bifurcated. SMFR states that the bifurcation *"effectively reduces the allowable width that could be used to navigate around traffic and/or accidents,"* and that 11 feet *"leaves very little recovery room for vehicles traveling in wet or slippery conditions, increasing the likelihood of our primary apparatus access point into the proposed development being blocked."* SMFR requires each travel lane to be a minimum 20-foot all-weather surface. This is a finding by SMFR, in writing, that **the only full-time primary access road into Hillcamp as currently designed is more likely to be blocked under foreseeable conditions than a code-compliant road would be**.

2. **Cul-de-Sac with Median fails the IFC minimum width** (Comment #6). The design shows a 16-foot all-weather surface. The IFC minimum is 20 feet. SMFR notes this is *"especially necessary for these cul-de-sacs given they are located adjacent to structures."*

3. **Multiple cul-de-sacs have no design standard provided** (Comment #7). SMFR cannot verify compliance with IFC Appendix D without that information.

4. **Roadway design uses the wrong density standard** (Comment #5). The internal roadway designs are consistent with the Douglas County Rural Local Type I and II classifications — standards intended for **2.5-acre minimum net lot sizes with 8 required parking spaces per lot**. The Hillcamp proposal does not meet that 2.5-acre minimum, and parking spaces per lot are not specified. SMFR observes that *"as designed, on-street parking would be prohibited throughout the entire development based on roadway widths, restricting residents and their guests to only parking in garages and driveways. In SMFR's experience, this is an impractical arrangement."* SMFR demands enforcement and signage information that the applicant has not provided.

5. **The IFC two-access remoteness requirement and 750-foot dead-end limit are not met by site layout** (Comment #8). SMFR states: *"The combination of the site layout,*

the housing density, and the topography are not allowing for compliant remoteness where two fire apparatus access roads are required by the IFC (portions of the development exceeding 30 dwelling units accessed from a single intersection). There are also dead-end roads that exceed the 750' maximum length from the IFC, which requires special approval." SMFR conditions any approval on (a) **automatic fire sprinkler systems in every dwelling**, and (b) compliant turnarounds near the halfway point of all over-length dead-ends. This is SMFR confirming, in writing, that the project's geometry is fundamentally in tension with the Fire Code from the ground up.

6. **The proposed emergency access surfaces are unpaved** (Comment #3). The plans show Heather Drive and McArthur Drive emergency access as **unpaved**. SMFR will require these to be paved, all-weather surface. This finding is directly material because the developer's Wildfire Risk Assessment expressly recognizes that *"the addition of a hard surfaced fuel break will decrease the associated risk values and increase the egress capabilities"* (WRA, p. 13). SMFR has now demanded the paved condition the WRA recognized as necessary, and the applicant has not yet shown it.

7. **No grading plan or auto-turn exhibit has been submitted** (Comment #3). SMFR requires both, for all roads in the proposed development, including the Heather Drive and McArthur Drive access points, to verify the maximum 6% grade for apparatus access can be achieved. The applicant has not yet provided either document. SMFR cannot verify grade compliance on the present record.

8. **Gate configuration for emergency-only connections is undefined** (Comment #3). SMFR states clarity is needed on the number and location of gates, multi-gate maintenance access, snowplow access between gates, and IFC-compliant permits.

9. **The lots are in a Moderate Intensity WUI risk area on the state-adopted map** (Comment #9), and SMFR notes that, by the time of permitting, a WUI code addressing structure hardening and site/area requirements is presumed to be in place. The developer and contractors are advised to plan accordingly.

10. **Primary AND secondary emergency evacuation routes are required by both CWPPs** (Comment #10). SMFR states: *"Both CWPPs emphasize the need for primary and secondary emergency evacuation routes to be established from WUI risk areas."* SMFR characterizes the proposed connections to Heather and McArthur as serving the purpose of secondary routes for the proposed development **and for the existing adjacent developments**, which SMFR also classifies as Moderate Intensity WUI risk areas. SMFR states the agency *"views this interconnectivity as important to the safety of not only the proposed development, but of the existing adjacent developments."*

This objection agrees with SMFR that interconnectivity is important. This objection respectfully **disagrees** that gated emergency-only stubs constitute interconnectivity in the meaningful sense required by the CWPPs. A gated emergency-only access does not distribute routine traffic, does not function reliably during gate-mechanism failure (power loss, smoke, panic, mechanical), introduces a chokepoint at the gate itself, and provides no relief during precisely the slope-failure scenario that has already occurred on this hillside

within the past twelve months (see §VI.G below). A true secondary evacuation route is a route that an evacuating resident can use without operation of a gate, without the presence of a fire-department supervisor, and without the cooperation of an adjacent neighborhood whose street is being borrowed.

The City should treat the February 4, 2026 SMFR referral as the **controlling life-safety record**. Where any conflict exists between the SMFR letter and the developer's submittals, the conflict must be resolved in favor of the SMFR letter. The applicant's response, currently outstanding, must be received in writing before the City takes any action on these applications.

> **Citation:** South Metro Fire Rescue, Fire Marshal's Office, Referral Response, SMFR Review # REFPDP25-00321 (Project Files SB25-0009 / SB25-0010 / RG24-0007 / SB25-0014), February 4, 2026, Comments 1–10, with Attachment 1 (SMFR Fire Access Road Design Criteria) and Attachment 2 (October 12, 2002 ZR02-11 Southridge Preserve historical referral). The 2002 referral, prepared under the 1997 Uniform Fire Code, confirms that for over twenty-three years the responsible fire agency has been on record requiring **two points of access for any portion exceeding 40 units**, internal fire sprinklers in all structures, and Uniform Fire Code-compliant emergency access road design — requirements the current applicant has not satisfied.

VI. The Geotechnical Record Is Preliminary, Internally Inconsistent, and Insufficient for a Sole-Access Road

The site is not ordinary terrain. The developer's own consultant — CTL|Thompson — identifies four "Identified Hazards" for the Hillcamp Trail corridor:

> *"Steep Slopes, Landslides, and Debris Flows; Erosion and Flooding; Expansive Soil and Bedrock; Seismicity."*
>
> — HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stability.pdf, p. 4; same list at 5-Preliminary-Geotech, p. 2; 6-Supplemental-Geotech, p. 4

The Slope Stability Analysis adds:

> *"The landslide map indicates there are potential landslide deposits and landslide hazard areas present along the proposed road development and to the northwest of the site. We are aware of post-construction slope failures on nearby sites."*
>
> — Slope Stability Analysis, p. 8
>
> *"The debris flow map indicates debris flow hazard areas are present within the drainages on-site … we identified two main debris flow channels near the central and eastern portions of the proposed road alignment near TH-4 and TH-6."*
>
> — Slope Stability Analysis, p. 10

The roadway requires cuts up to approximately 25 feet and fills up to approximately 20 feet (Slope Stability Analysis, p. 12; Preliminary Geotech, p. 2). The site soils are sandy clay and clayey sand over claystone and sandstone, with measured swells of 0.1–2.4% in soils

and **1.3–6.4% in claystone**. (Slope Stability Analysis, pp. 2–3.) Tiered retaining walls up to 25 feet in height are proposed across 1,123 linear feet of the alignment. (Geotech Response Letter, p. 10, quoting CGS.) DEM change-detection between 2018 and 2023 measured *"elevation drops of up to about 19 feet"* in some on-site locations, with the cause not conclusively determined. (Slope Stability Analysis, pp. 9–10.)

A. Multiple interim factor-of-safety values fall below industry-accepted minimums

The Slope Stability Analysis itself states the threshold:

> *"For long-term stability, a typical minimum industry accepted FOS is 1.3, while a FOS of 1.5 is preferred."*
>
> — Slope Stability Analysis, p. 6

The applicant's own results table shows:

Section	Interim FOS	Proposed FOS
C-C'	—	1.6
D-D'	1.6 (1.6H:1V cut)	—
F-F'	**1.4** (1.6H:1V cut)	—
G-G'	1.6	1.6 (R-to-L)
H-H'	**1.4**	—
B-B'	**1.3** (R-to-L)	—

> Source: HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stability.pdf, results table pp. 7–8.

Three sections of the **only access road** to a 343-home community show interim FOS at or below 1.4 — below the developer's own "preferred" 1.5 — and one is at the bare industry minimum of 1.3. The Colorado Geological Survey has expressly stated the standard:

> *"Because Hillcamp Trail will serve as the sole access to the development, tolerance for interim or localized instability is significantly lower than for private or secondary access roads."*
>
> — Geotechnical Response Letter, p. 10, quoting CGS

The City has likewise tightened the standard. For the pedestrian bridge analysis, the City stated:

> *"the City will not accept any Factor of Safety (FOS) values below 1.5 for this analysis … This conflicts with the slope stability analysis results for cross-sections C and D identified on Page 21."*
>
> — Hillcamp Trail City Response Letter, p. 12, item 7

The City should apply the same standard to the roadway sections, both interim and proposed.

B. The central portion of the roadway has no sub-surface data

The developer's slope-stability borings TH-103 and TH-104 were never drilled:

> *"We were unable to drill two of the proposed slope stability borings (TH-103 and TH-104) on the central portion of the site due to access issues … There were no viable access points or alternative locations that would allow access to the slope near TH-103."*
>
> — Slope Stability Analysis, p. 2; same admission at 6-Supplemental-Geotech, p. 2

The Colorado Geological Survey identified this gap:

> *"the section between Sta 31+00 and Sta 38+00 along the roadway extension has no subsurface data; consequently, the stability data for the central portion of the site are estimated rather than measured."*
>
> — Geotechnical Response Letter, p. 10, quoting CGS

The center of the only access road has been modeled with estimates, not measurements. That is not an acceptable evidentiary basis for approving a sole-access road on a slope the developer's own consultant has identified as having landslide and debris-flow hazards.

C. CTL acknowledges the corridor cannot be properly modeled

The developer's own report states:

> *"the complex geologic environment makes it difficult to model subsurface conditions"*
>
> and
>
> *"Variations in the subsoil conditions not indicated by our borings are likely."*
>
> — Slope Stability Analysis, pp. 5 and 13 (Limitations); quoted by City at City Response Letter, p. 6

The City has accepted the CGS view that *"the current modeling and estimations are insufficient to analyze risk."* (City Response Letter, p. 6.)

D. The independent third-party reviewer (Ground Engineering) warns the cohesion values are too aggressive

Ground Engineering, retained as an independent third-party reviewer, stated:

> *"We are aware of numerous slope and wall failures in the Denver metropolitan area that have occurred due to the reliance on significant amounts of cohesion. The cohesion values of particular concern are the weathered claystone (395 psf), interbedded sandstone/claystone (500 psf), and claystone (1,000 psf) … in our engineering judgement, significantly exceed the maximum amount of cohesion that we would have recommended relying on for long-term stability, and even short-term stability."*

— Geotechnical Response Letter, p. 6 (Ground Engineering comment)

Ground Engineering also flagged the interim FOS approach:

> *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."*
>
> — Geotechnical Response Letter, p. 7

The applicant relies on cohesion values that independent engineering review has identified as exceeding the maximum the reviewer would recommend, on a corridor that the applicant itself describes as difficult to model, with a central section that has no subsurface data, on sections with FOS values below 1.5.

E. The developer's own engineer's central recommendation is one the developer cannot follow on this alignment

CTL|Thompson recommends, in writing:

> *"We recommend re-routing the drainages to avoid installation of sub-fill drains below the proposed road alignment."*
>
> — Slope Stability Analysis, p. 10; same recommendation at Preliminary Geotech, p. 12

The Colorado Geological Survey agreed:

> *"We agree with CTL's recommendation for 're-routing the drainages to avoid installation of sub-fill drains below the proposed road alignment.'"*
>
> — Geotechnical Response Letter, p. 12

The developer's response:

> *"It is not feasible for the drainageways to be rerouted. Doing so would impact the historical drainage patterns of the area and cause a significant amount of additional disturbance to the hillside."*
>
> — City Response Letter, p. 8

If the developer cannot follow its own engineer's central recommendation on this alignment, the alignment is the problem. The right response is to re-route the road, not to ignore the engineer. A Surrey Drive alignment — Alternative 7, with a 4.7% grade — avoids many of the cross-drainage problems that drove CTL's recommendation in the first place.

F. The adjacent Retreat Tract C slope failure

The Colorado Geological Survey reports:

> *"we understand that a retaining wall failed within the past 2 years in The Retreat development, directly to the northwest of the road alignment."*
>
> — Geotechnical Response Letter, p. 9

The City has also required the applicant to reflect *"area adjacent to Bluffside Drive that was recently subject to the slope failure and mitigation work."* (City Response Letter, p. 14, Drainage Report item 10.)

The community public-referral record includes engineering work by Shannon & Wilson on Tract C-related slope movement in the same hillside. That engineering record identifies portions of the alignment as having elevated landslide susceptibility. To the extent that engineering record is properly submitted into the public referral record (whether by reference or as a separate exhibit), it should be considered by the City as third-party engineering — that is, engineering not paid for by the developer — and weighted accordingly.

G. The Shannon & Wilson Landslide-Susceptibility Map (January 2026) and the Documented 2024–2025 Slope-Failure Event

The community public-referral record now includes **Shannon & Wilson, Inc., "Retreat at RidgeGate Slope Movement, Lone Tree, Colorado," Project No. 115813-001, Exhibit 21: Landslide Susceptibility Map (overlain on Google Earth, after Lindsay, 2018), January 2026.** Shannon & Wilson is a third-party geotechnical firm with a long-standing Front Range engineering practice. The exhibit is not a community-prepared document; it is engineering work product. Its findings are not contested by the developer; they appear in the engineering record relied upon by the developer's neighbors and have been incorporated by reference into this objection.

Exhibit 21 establishes, in graphic form, the following adverse facts:

- **Lots 16–20** of the proposed Hillcamp residential layout are within or immediately adjacent to a polygon mapped as a landslide deposit on the lidar-derived landslide inventory, and within or adjacent to high-susceptibility terrain per the Lindsay (2018) susceptibility classification.
- **Lots 21–26** are likewise sited on or immediately adjacent to mapped landslide deposit terrain.
- **Bluffside Drive** — an existing public street serving the Retreat at RidgeGate — is shown traversing one of the largest mapped landslide deposit polygons on the exhibit.
- The **Fire Access Road** as labeled on the exhibit crosses the polygon labeled **"Site Slope,"** immediately downhill of (and contiguous with) mapped landslide-deposit terrain.

These visual findings corroborate each of the geotechnical concerns raised by CGS, CTL|Thompson, and Ground Engineering in §VI.A–F above. They convert the CTL admission that the central portion of the alignment is *"difficult to model"* and the CGS finding that the central segment *"has no subsurface data"* into the directly observable graphical conclusion that the alignment, the residential lots, and the existing access infrastructure are sited within and adjacent to lidar-mapped landslide deposits.

H. The Documented Summer 2024 – Winter 2025 Slope-Failure Event Adjacent to the Proposed Hillcamp Fire Access Road

The Shannon & Wilson exhibit is no longer a forecast. The terrain labeled **"Site Slope"** on Exhibit 21 — the same terrain across which the proposed Hillcamp Fire Access Road is drawn, and the same hillside on which Lots 16–20 and 21–26 are proposed — **suffered an active landslide event from approximately Summer 2024 through Winter 2025** that closed the utility access road serving the Retreat at RidgeGate / Bluffside Drive hillside for several months.

This is the most important geotechnical fact in the application record, and it has not previously appeared in the application file.

- The event occurred **under existing conditions** — before any Hillcamp cut, fill, grading, drainage modification, irrigation, or added impervious surface.
- The event occurred on the **same hillside** the developer now proposes to traverse with the Fire Access Road and to build Lots 16–26 upon.
- The event required a **multi-month closure** for stabilization and re-opening — establishing a real-world recovery duration directly comparable to a worst-case wildfire-evacuation or post-storm utility-restoration scenario on the same corridor.
- The conditions that make reactivation more likely are precisely the conditions the Hillcamp project would introduce: structural loading on the upslope bench, concentrated stormwater discharge above an active mass, modified subsurface drainage paths, irrigation infiltration, repeated construction-equipment vibration, and cut/fill at the toe and shoulders of the active mass.

The City must understand the significance of this fact. Up to this point in the application record, slope susceptibility has been treated as a predictive, statistical matter — something that can be "addressed" through retaining walls, sub-fill drains, drainage design, and reassuring language about slope-stability analyses. The 2024–2025 event converts the statistical question into a historical one. **The slope has already failed.** The relevant engineering question is no longer *"could it fail?"* It is *"under what conditions, and how soon, will it fail again — and what conditions will make reactivation more likely?"* CTL|Thompson's own slope-stability analysis was not asked to back-analyze this event, was not provided with field data from this event, and has not been peer-reviewed against this event.

The Colorado Geological Survey already observed, on the public record, that *"we understand that a retaining wall failed within the past 2 years in The Retreat development, directly to the northwest of the road alignment"* (Geotechnical Response Letter, p. 9). The City already required the applicant to reflect *"area adjacent to Bluffside Drive that was recently subject to the slope failure and mitigation work"* (City Response Letter, p. 14, Drainage Report item 10). The 2024–2025 closure is the next chapter in the same pattern — and it occurred on the very hillside the developer now proposes to traverse with the only public road into 343 homes.

I. Public-Record Gap and Requested CORA Production

To date, no publicly indexed document explicitly memorializes the 2024–2025 closure event in the form of a published landslide report. That absence is itself a procedural problem. The relevant records almost certainly exist in:

- City of Lone Tree Public Works correspondence, work orders, and contractor invoices;
- South Metro Fire Rescue community-risk and access-review files;
- Denver Water and Southgate Water District utility-outage records;
- Xcel Energy utility-coordination correspondence;
- The Retreat at RidgeGate HOA, Century Communities, and RidgeGate Metro District board packets and engineering memoranda;
- Douglas County Engineering and Emergency Management files;
- Geotechnical and slope-instability reports commissioned in response to the event;
- Insurance claim correspondence.

The City should, prior to any vote on these applications, request and place into the public record all such material for the period **January 2024 through the date of decision**, applying as a minimum a CORA-style search across the relevant repositories using the search terms: *landslide; slope failure; erosion; emergency access; Retreat at RidgeGate; Viewside; Bluffside; Cabela; Hillcamp; temporary closure; utility access road.* A decision-maker reviewing this application should not be in a position where the most important geological fact about the project area — that the slope has failed within the past twelve months — is documented primarily in private records that the public, the Planning Commission, and the City Council have not been given the opportunity to review.

VII. The Drainage Solution Is Currently Non-Code-Compliant; The Project Will Increase Debris-Flow Risk Downstream

A. The application currently does not comply with the Lone Tree subdivision code

The City has stated, in its formal Response Letter, that the application does not satisfy the Lone Tree Storm Drainage Design and Technical Criteria Manual:

> *"Because the applicant is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M, the Applicant cannot fulfill the requirements of the Storm Drainage Design and Technical Criteria Manual. As a result, the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code."*
>
> — Hillcamp Trail City Response Letter, pp. 3–4 (Plat General Comments, item 3)

That is a determination of non-compliance with the City Code. Approval is foreclosed on the present record. The applicant must produce a drainage solution on land it owns or has rights to use — not a private HOA-owned tract for which the HOA has refused conveyance — before any approval can be granted.

The September 25, 2025 letter from Denise Denslow, District Manager of Rampart Range Metropolitan District No. 1 (RRMD1), to Susie Wargin, Board President of The Retreat at RidgeGate Homeowner's Association, requesting acquisition of Tract M and the corresponding pipe easement (9-Hillcamp-Drive-RRMD1-Letter-to-Retreat-HOA-on-Drainage-Needs.pdf), demonstrates that the applicant's original drainage scheme expressly depended on a parcel the applicant does not own. The Retreat HOA has not signed the acknowledgment. The Retreat HOA has affirmatively retained counsel and submitted a formal letter of opposition. The applicant's substitute approach — a Hydrodynamic Separator water-quality device, set forth in the Phase III Drainage Report — has not eliminated the underlying drainage-onto-Tract-M issue, and the application as a whole remains non-code-compliant on the City's own findings.

B. The drainage report contradicts itself

The City has caught a direct internal inconsistency in the drainage report:

> *"Section 2.1.1 (Page 3): Update statement that 'downstream drainageways will be unaffected by the construction of Hillcamp Drive.' This is not consistent with a later statement within the same drainage report in Section 2.2.1 that states that sub-basins 'will be altered by the proposed Hillcamp Drive construction'."*
>
> — Hillcamp Trail City Response Letter, pp. 13–14 (Drainage Report, item 6)

A drainage report that simultaneously claims downstream drainageways will be unaffected and that sub-basins will be altered is not a reliable basis for City approval.

C. The project will increase debris-flow risk on adjacent properties

The applicant's own Pedestrian Bridge Geotechnical Investigation states:

> *"Risk may increase with development and land-use changes on the mesa top. The project may increase the debris flow susceptibility downstream."*
>
> — HILLCAMP_R2_Hillcamp-Trail-Pedestrian-Bridge-Geotechnical-Investigation.pdf, p. 8 ("Steep Slopes, Landslides, and Debris Flows")

The City has demanded the applicant model debris flow under a full-buildout scenario, not a zero-development baseline:

> *"the Pedestrian Bridge Geotechnical Investigation report (dated November 20, 2025) states that the Hillcamp project 'may increase debris flow susceptibility downstream' (see page 8). The applicant must analyze debris flow susceptibility under a full buildout scenario. The current report analyzes this risk under a zero development scenario."*
>
> — Hillcamp Trail City Response Letter, pp. 10–11 (item 11)

The applicant has not, as of the present record, produced full-buildout debris-flow modeling. Approval should not occur until that modeling is produced, peer-reviewed, and accepted by CGS and SMFD.

D. Hydrologic soil group and downstream constraints

The site is mapped predominantly in Hydrologic Soil Groups C and D — *"very slow infiltration rates when thoroughly wet … high runoff potential"* and *"clayey soils with high swelling capacity … a high permanent water table … shallow soils over nearly impervious materials."* (Phase III Drainage Report, pp. 1–2.) The downstream culvert and restrictor at Pond 311 limits major flows to 325.17 CFS. (Phase III Drainage Report, p. 3.) Drought conditions in recent winters have not eliminated the design-storm risk; they have created a vegetation-and-soil state in which post-fire runoff is the dominant downstream hazard. The drainage analysis should expressly model post-fire runoff under conservative assumptions, not just clear-channel conveyance.

VIII. Traffic, Hospital Access, and Regional Circulation

The Traffic Impact Study counts **3,136 average daily trips, 199 PM peak entering trips, and 118 PM peak exiting trips** generated by 343 single-family homes. (Traffic Impact Study, p. 7.) All of those trips funnel through the single Cabela Drive / Hillcamp Trail corridor.

The TIS analyzed only two existing intersections — RidgeGate Parkway & Cabela Drive, and the RidgeGate Parkway & Park Meadows Drive roundabout. (TIS, p. 4.) Even at the limited analytical scope chosen by the developer:

- **2024 baseline (before any Hillcamp trips):** Park Meadows roundabout PM peak — eastbound approach — Level of Service **F**, 61 seconds of delay. (TIS, Table 1, p. 17.)
- **2028 buildout with Hillcamp:** eastbound roundabout approach LOS **F**, 167 seconds of delay. (TIS, Table 2, p. 17.)
- **2045 buildout:** southbound Park Meadows LOS **F**, 99 seconds of delay; queue lengths reaching 600 feet. (TIS, Table 3 and Table 6, pp. 18–20.)

And, most importantly, the TIS makes a finding directly material to Sky Ridge Medical Center access:

> *"The WB left/through lane at the roundabout is expected to have a queue length of 925 feet in the PM peak hour, which would conflict with access to the Sky Ridge hospital."*
>
> — Traffic Impact Study, p. 20

A 925-foot queue in the westbound left-turn lane of the Park Meadows roundabout, in the PM peak, in close proximity to the Sky Ridge Medical Center — for which time-critical ambulance and patient access depends on this corridor — is not an acceptable transportation outcome. The City must take this finding from the developer's own consultant seriously.

The TIS also confirms the project has no functional southern outlet:

> *"No site-generated traffic was routed to the south, despite the proposed connection to the existing residential area via Heather Drive. Drivers are unlikely to use this*

> *route, as it provides a less direct path to I-25 … cut-through traffic generated by Hillcamp is expected to be nominal."*
>
> — Traffic Impact Study, p. 7

If the southern emergency-only connection cannot route ordinary trips, then it cannot provide functional traffic redundancy, cannot help offload the Park Meadows roundabout, cannot reduce the 925-foot queue on the Sky Ridge approach, and cannot provide meaningful evacuation capacity. Only a real southern road can do those things. A second paved, full-time public access from North Surrey Drive (the Alternative 7 alignment) would redistribute trips away from the failing roundabout and away from the hospital approach, balance the regional network, and supply genuine emergency network redundancy.

IX. The Open-Space, Bluffs Viewshed, and 2020 City Record

The 2020 Lone Tree City Council Study Session staff report (Aug 4, 2020 Agenda, pp. 4–5) recorded a $25 conveyance of approximately 392 acres of parks and open space west of I-25 from RRMD to the City. That report stated, in plain text:

> *"Once the City has ownership of the open space, it can access Xcel undergrounding funds to underground the powerlines on top of the Bluffs visible from town."*
>
> — Study Session, Aug 4, 2020, p. 4

The 2020 City record demonstrates that the City of Lone Tree has previously taken affirmative steps — including the use of public Xcel undergrounding funds — for the express purpose of removing visible infrastructure from the Bluffs because the Bluffs viewshed is a public resource. The City cannot reasonably treat the Bluffs as a viewshed worth burying utility poles for, while simultaneously approving 343 homes, internal roads, retaining walls up to 25 feet tall, lighting, and ridgetop driveways on the same hillside, without an equivalent level of public-facing visual analysis.

The 2020 record also notes that the open-space conveyance reserved easements *"so RRMD/RGI can construct roads and utilities to access future development."* (Study Session, p. 5.) The reserved access rights are real. They do not, however, dictate alignment. They do not preclude a southern Surrey alignment. They do not foreclose City conditions on the location, character, or capacity of access roads serving future development.

The developer's own Sub-Area Plan repeatedly uses photographs and language celebrating Hillcamp's *"panoramic views," "peak-to-peak vistas," "upland character,"* and *"360-degree views."* (See R2 Sub-Area Plan, p. 15 and Figure pages.) Those photographs depict the very public viewshed the project would consume. The viewshed is not a marketing asset for the future homeowner. It is a public planning resource that has been recognized as such on the City's own record.

IX.A The Power-Line Undergrounding Record — A Direct, Documented City Policy Recognizing the Bluffs Viewshed as a Public Asset

The August 4, 2020 Lone Tree City Council Study Session staff report is unequivocal on this point. The express public benefit recited as a reason for the parks-and-open-space property

transfer was that the City, **once it became owner of the open space**, could *"access Xcel undergrounding funds to underground the powerlines on top of the Bluffs visible from town."* (Study Session - 04 Aug 2020 - Agenda - Pdf.pdf, p. 4.)

The City made a deliberate, formal, recorded policy decision that powerlines on the Bluffs visible from town were a public-viewshed harm worthy of using Xcel undergrounding funds to remove. The City committed real public resources to make the Bluffs cleaner, less encumbered, and more visually intact, because the Bluffs viewshed is a public asset.

It is **not consistent** with that 2020 policy decision to now approve, on the same ridgeline:

- 343 single-family homes;
- Internal residential roads, driveways, and parking;
- Retaining walls up to 25 feet in height across 1,123 linear feet of the alignment (Geotech Response Letter, p. 10);
- Structures up to 35 feet in height (Hilltop Public Comment, citing developer submittals on building height);
- Residential lot density at approximately 10-foot side-yard separations (Hilltop Public Comment), substantially exceeding the larger-lot ranch character represented to existing residents when nearby communities were approved;
- Cumulative ridgetop lighting (driveway, street, exterior residential, security, garage);
- Cut-and-fill grading on a hillside whose susceptibility to slope movement is now confirmed both by mapping (Shannon & Wilson Exhibit 21) and by the 2024–2025 closure event.

If powerlines on the Bluffs were worth undergrounding at public expense in 2020, then **343 homes, retaining walls, and ridgetop lighting on the same Bluffs cannot be invisible to City policy in 2026**. The viewshed protected by the 2020 power-line undergrounding policy is the same viewshed the Hillcamp project would permanently transform. The City cannot rationally maintain both positions.

IX.B The Developer Has Not Provided Honest Visual Simulations

The applicant's Sub-Area Plan is illustrated with photographs of the existing, undeveloped Bluffs landscape — *"panoramic views," "peak-to-peak vistas," "upland character," "360-degree views"* — i.e., images of the very public viewshed the project would consume. As the Hilltop Public Comment observed, *"while the proposal materials include numerous images depicting the land in its current, unobstructed state, they provide no visual simulations, renderings, or representative images showing how the development is likely to appear once built."* The developer has had every opportunity to provide accurate post-development visual simulations. It has not. The City has not required it.

This is not a procedural quibble. Visual representation of the proposed project as it would actually appear — with the proposed density, building heights, retaining-wall masses, lot separations, lighting, and roof lines — is the **only** way the Planning Commission, the City Council, and the public can evaluate the actual neighborhood and viewshed impact of the proposal. The absence of such visual representation in a submittal that **does** include

extensive marketing imagery of the undeveloped landscape is, at best, a substantial omission, and at worst, a deliberate framing that conceals the very impact the City has to assess.

IX.C What the City Should Require

The City should require, as a non-deferrable condition of any approval (not as a "phase 2" deliverable, not as a "to be addressed in the Final Plat" item):

1. **Story-poling** or equivalent independent visual analysis from Bluffs Regional Park, the East-West Regional Trail, all RidgeGate neighborhoods to the north, south, east, and west, from the I-25 corridor northbound and southbound, from the Sky Ridge Medical Center campus, and from the Park Meadows / Lincoln area;
2. **Detailed 3D renderings** of the proposed development showing the full proposed density, the full proposed building heights (up to 35 feet), the proposed lot separations, the proposed retaining-wall heights (up to 25 feet), the proposed lighting at night, and the proposed roof lines, prepared by an independent consultant (not the developer's marketing team) and using the actual proposed site plan, **not a curated subset of viewpoints**;
3. **Cumulative visual modeling** that adds the Hillcamp impact to the existing surrounding development, the existing Bluffs Regional Park experience, and the 2020-protected viewshed reference frame established by the Xcel undergrounding policy;
4. **Measurable, enforceable, recorded performance standards** — not aspirational prose — for grading limits, retaining-wall height caps, building-envelope footprints, ridgeline visibility limits, lighting (with night-sky compliance), and long-term landscape management;
5. **Public-comment opportunity** following release of the independent visual analysis, not before;
6. **Reconciliation with the 2020 power-line undergrounding policy** — the City staff report supporting the application must address, in writing, how the proposed development is or is not consistent with the City's prior recorded decision that the Bluffs viewshed warranted multi-million-dollar public infrastructure removal.

X. The Proposal Improperly Defers Critical Decisions

The Sub-Area Plan and accompanying responses defer virtually every load-bearing safety and impact decision to a later discretionary process. The pattern is consistent and pervasive:

Subject	Status on the present record	Source
Wildfire Mitigation Plan	Deferred to Preliminary Plan stage	R2 Sub-Area Plan, p. 25
Final geotechnical report	*"will be required prior to plat approval"* — not yet provided	City Response Letter, p. 6
Design-level subsurface analysis	Deferred until *"once utilities have been installed and road graded to a tenth of a foot"*	Geotech Response Letter, p. 2

Supplemental biological & cultural review	Deferred to post-2025 review through a Development Agreement	City Response Letter, p. 15
Building envelope and ridgetop locations	Deferred to Final Plat	Sub-Area Plan City Response Letter, pp. 10–11
Drainage diversion / sub-fill drain design	Deferred to construction phase	Slope Stability Analysis, p. 10; City Response Letter, p. 7
Secondary access design	Deferred — not in current plat	R2 Retreat Response Letter, p. 7
Full-buildout debris flow modeling	Not yet performed; current model is zero-development baseline	City Response Letter, p. 10–11
Development Agreement covering all four applications	Not yet in place	City Response Letter, p. 2

The Sub-Area Plan's own Figures 3 (open-space framework) and 4 (circulation framework) carry an express disclaimer that *"all the information shown … is highly conceptual, illustrative in nature, intended to demonstrate design intent only, and is subject to change."* (R2 Sub-Area Plan, pp. 32 and 34.) The City is being asked to approve a framework whose own figures disclaim themselves.

Deferral is appropriate for minor implementation details. It is not appropriate for issues that determine whether the project is safe, feasible, code-compliant, and consistent with the PDDs. Critical questions cannot be deferred until after the City has effectively committed itself to the project framework. Those questions include: whether a second permanent public access road is required; whether evacuation works if the primary corridor is blocked; whether the southern access should be full-time; whether the roadway system is resilient under wildfire conditions; whether ridgeline impacts are acceptable; whether drainage systems will remain maintainable; whether retaining walls and grading are consistent with natural landform preservation; and whether the cumulative project impacts remain compatible with the Bluffs open-space character.

The City should not approve a conceptual framework that leaves the most important life-safety and impact questions unresolved. Approval should wait until the applicant provides final, integrated, and independently reviewed analyses of access, evacuation, traffic, visual impact, drainage, wildfire, geotechnical stability, and long-term maintenance.

XI. Long-Term Maintenance, Funding, and Public Liability

The applicant's concept depends on the long-term performance of drainage facilities, retaining walls up to 25 feet, fuel-break mowing and weed management, revegetation, sub-fill drains, wildfire mitigation, utility systems, gated emergency access infrastructure, slope-stabilization features, and metropolitan-district maintenance. The 2020 RidgeGate Parks & Open Space Property Transfer materials are instructive because they recognized

the need to define who maintains drainage structures, detention ponds, retaining walls, enhanced planting areas, stone facades, utilities, lighting, and other improvements. (Study Session, Aug 4, 2020, p. 5 and attached transfer materials.) That concern is magnified here because the long-term maintenance burden falls on private metropolitan-district infrastructure that, if it fails, will impose costs and risks on the public and on adjacent neighborhoods.

Approval should not occur without:

1. Enforceable long-term maintenance obligations recorded against the property;
2. Reserve funding sufficient for replacement of retaining walls, sub-fill drains, gates, and slope-stabilization features over a defined period;
3. Inspection rights running to the City, with annual inspection of slope-stabilization features and quinquennial inspection of retaining walls;
4. Default remedies if the metropolitan district or HOA fails to maintain or fund;
5. A recorded maintenance and funding plan for the gated emergency access points (snow removal, Knox box verification, gate-operability inspection, and annual SMFD certification).

XII. The Independent Agency and Third-Party Engineering Reviews Already on the Record Are Adverse to the Applicant

This proposal is not opposed only by private residents. The independent technical reviews on the present record include:

- **The City of Lone Tree Planning Division** — has found that the application does not meet Criteria of Approval #3 of Section 17-5-20 of the Lone Tree Code because of the Tract M drainage issue. (City Response Letter, pp. 3–4.) Has identified internal inconsistencies in the drainage report. (Id., pp. 13–14.) Has identified inadequate justification in the Alternative Access Memorandum. (Id., p. 18.) Has refused 3:1 slopes on slope-failure-prone hillside. (Id., p. 9.) Has required additional analysis of full-buildout debris flow. (Id., pp. 10–11.) Has required removal of Gambel oak — which the applicant has refused. (Id., pp. 16–17.)
- **The Colorado Geological Survey** — has found the geotechnical and slope-stability reports inadequate for a sole-access road. (Geotechnical Response Letter, p. 9.) Has identified that the central portion of the alignment (Sta 31+00 to Sta 38+00) has no subsurface data. (Id., p. 10.) Has concurred with CTL's recommendation to re-route drainages — which the developer cannot follow on this alignment. (Id., p. 12.) Has noted the adjacent Retreat retaining wall failure. (Id., p. 9.) Has tightened the FOS standard for the sole-access road. (Id., p. 10.)
- **Ground Engineering (independent third-party reviewer)** — has cautioned that the applicant's cohesion values *"significantly exceed the maximum amount of cohesion that we would have recommended relying on for long-term stability, and even short-term stability."* (Geotech Response Letter, p. 6.) Has flagged interim FOS values below 1.1 as unacceptable. (Id., p. 7.)

- **South Metro Fire Rescue (SMFD)** — has submitted a formal referral response identifying multiple fire-protection deficiencies, including emergency-access geometry and fire-flow concerns. (See reserved space in §V; the SMFD letter is the controlling life-safety agency review and must be applied as such by the City.)
- **The Retreat HOA, RidgeGate HOA, and Montecito HOA legal teams** — each has retained counsel and submitted formal opposition letters into the referral record. The HOAs collectively represent the immediately downhill, downstream, and adjacent residential property owners. Their counsel's letters of opposition should be considered as a coordinated legal position by the most directly affected property owners.

A development application that has drawn adverse findings from the City Planning Division, the Colorado Geological Survey, an independent geotechnical third-party reviewer, the responsible fire-protection agency, and three adjacent HOAs is not a development application that is ready for approval. The pattern of the developer's responses — refusing City landscape guidance on Gambel oak, refusing to model debris flow under full buildout, refusing to re-route drainages, refusing to accept FOS thresholds above 1.3 in some sections, and dismissing the Surrey Drive alignment with conclusory statements the City has called inadequate — is a pattern of resistance to independent review, not of compliance with independent review.

The City should give greater weight to the technical reviews that are not paid for by the developer. Every developer-side study in this record — Traffic Impact Study, Wildfire Risk Assessment, Geotechnical Investigations, Slope Stability Analysis, Drainage Reports, Biological Assessments, Tree Protection Plan, Alternative Access Memorandum — was prepared by consultants the developer hired and paid. Those studies are not city conclusions, not independent reviews, and not approvals. They are the applicant's position. The agencies and independent reviewers have a different position. The City should resolve the conflict in favor of the agencies and the independent reviewers, not the applicant's consultants.

XIII. Application-Specific Objections

A. RG24-0007 — Hillcamp Sub-Area Plan (Framework)

The Sub-Area Plan should be **denied** as currently proposed. It establishes a deficient governing framework: it normalizes single-primary-access dependency, defers wildfire mitigation, defers building envelopes, defers ridgetop placements, defers the drainage code-compliance demonstration, and uses broad aspirational language about "rural character" and "open space" without enforceable performance standards. Figures 3 and 4 — the open-space and circulation diagrams that anchor the whole plan — are expressly disclaimed as conceptual and subject to change. The Plan must be revised to (i) require a second permanent, full-time, paved, public southern Surrey Drive access, (ii) include explicit cross-dependency language tying all four Hillcamp applications together, (iii) elevate the Wildfire Mitigation Plan from a deferred future deliverable to a Sub-Area Plan exhibit, (iv) reflect the City's required minimum FOS of 1.5 on all slope-stability cross-sections (interim and proposed), (v) reflect a 4:1 minimum slope on landslide-susceptible

portions of the hillside per City staff comment, and (vi) include enforceable performance standards for grading, retaining-wall height, building envelopes, ridgeline visibility, and lighting.

B. SB25-0010 — RidgeGate Rural Residential Preliminary Plan (261 Lots)

The RidgeGate Rural Residential Preliminary Plan should be **denied** as currently proposed. The 261 residential lots depend on an access and evacuation framework that is not sufficiently redundant; on slope-stability and drainage assumptions that the City and CGS have not accepted; and on a Sub-Area Plan framework that is itself deficient. The plan should be continued until the applicant demonstrates that the proposed density can be safely served by two full-time public access routes, not one primary road plus emergency-only gates, and until the slope and drainage record has been updated to City and CGS standards.

C. SB25-0009 — Southridge Preserve Preliminary Plan (82 Lots)

The Southridge Preserve Preliminary Plan should be **denied** as currently proposed. Its 82 residential lots are part of the same integrated Hillcamp development and rely on the same deficient circulation, wildfire, visual, and open-space framework. This application directly implicates the Bluffs viewshed, the East-West Regional Trail experience, ridgetop setbacks, and wildlife corridors. The City should require independent viewshed, wildfire, evacuation, geotechnical, and biological review before approval, and should require ridgetop setbacks consistent with the 200-ft setback identified in the SPPD and the 300-ft wildlife setback referenced in the City's Sub-Area Plan response.

D. SB25-0014 — Final Plat / Cabela Drive – Hillcamp Trail Extension (Filing No. 1)

This is the gatekeeper application. The Final Plat should be **denied** as currently proposed because (i) it relies on a drainage solution the City has found non-compliant with Lone Tree Code § 17-5-20, (ii) it relies on a sole-access alignment that the developer's own consultant cannot fully model and the central section of which has no subsurface data, (iii) it places multiple FOS values below the developer's own preferred minimum on a sole-access road in a landslide- and debris-flow-mapped hazard area, (iv) it adopts an alignment that the developer's own analysis shows is *steeper* than a code-compliant Surrey Drive alternative, and (v) it depends on a downstream drainage analysis that has not modeled full-buildout debris flow. If the City declines to deny, the Final Plat must be continued until (a) the drainage solution is on land the applicant owns or has rights to use, (b) final design-level geotechnical analysis has been completed for the entire alignment with no central-segment data gap, (c) all FOS values (interim and proposed) meet a minimum of 1.5, (d) full-buildout debris-flow modeling has been peer-reviewed by CGS, (e) the SMFD response letter requirements are integrated into the design, and (f) a second permanent, full-time, paved, public southern Surrey Drive access is committed and platted.

XIV. Required Conditions if the City Declines to Deny the Applications

If the City does not deny the applications outright, the following minimum conditions should be imposed before any approval becomes effective. These conditions are not in lieu

of denial; they are the floor for what would make any approval defensible on the present record.

1. **Cross-dependent approval condition.** All four Hillcamp applications must be treated as mutually dependent. Denial, withdrawal, material modification, or infeasibility of any one application must trigger automatic reconsideration of the others. An executed Development Agreement covering all four must be in place before any approval becomes effective. (City Response Letter, p. 2, requiring the Development Agreement.)
2. **Second full-time southern access road, from North Surrey Drive.** A second permanent, paved, public, full-time southern access road, extending from North Surrey Drive, on or adjacent to the Alternative 7 alignment evaluated in the developer's own Alternative Access Memorandum (4.7% grade, 3,717 LF, meets City and Fire criteria), must be platted, designed, funded, and committed as a condition precedent to approval of any residential Preliminary Plan or final access plat. The southern road must be open to general public vehicular traffic. Emergency-only gated access is not sufficient.
3. **Wildfire mitigation plan and SMFD certification.** A Wildfire Mitigation Plan must be adopted as an exhibit to the Sub-Area Plan, not deferred to the Preliminary Plan stage. The Plan must be reviewed and certified in writing by South Metro Fire Rescue, and any conflicts between the developer's submittals and the SMFD response letter must be resolved in favor of SMFD. Gambel oak must be removed from the landscape plan.
4. **Independent evacuation modeling.** The applicant must provide evacuation modeling for wildfire, winter, nighttime, smoke, high-wind, blocked-primary-road, and simultaneous emergency ingress/egress scenarios, prepared by a consultant retained by the City at applicant expense, not by the applicant directly.
5. **Independent geotechnical peer review.** The City must retain independent geotechnical reviewers at applicant expense to evaluate slope stability, drainage concentration, retaining walls, fill depths, sub-fill drains, groundwater, irrigation effects, post-fire runoff, full-buildout debris flow, and long-term performance, with completed sub-surface analysis along the entire roadway (no central-segment gap), and with all FOS values (interim and proposed) at a minimum of 1.5.
6. **Cohesion-value sensitivity.** Slope-stability modeling must be re-run with cohesion values consistent with Ground Engineering's third-party review, not the values flagged as exceeding the third-party reviewer's maximum recommendation.
7. **Re-routing of drainages or re-routing of road.** Either the drainages must be re-routed per CTL's and CGS's recommendation, or the road alignment must be moved (to the Surrey Drive alignment) such that re-routing is no longer required.
8. **Drainage solution on land the applicant owns or controls.** The drainage solution must not depend on the conveyance of Tract M (or any other private parcel) that the applicant does not own. Compliance with Lone Tree Code § 17-5-20 Criteria of Approval #3 must be demonstrated, not assumed.
9. **Full-buildout debris-flow modeling, peer-reviewed by CGS.**
10. **Independent visual impact analysis.** Story-poling or equivalent visual simulations from Bluffs Regional Park, the East-West Regional Trail, RidgeGate neighborhoods, the I-25 corridor, and other public viewpoints — not developer-selected viewpoints.

11. **Long-term maintenance and funding plan.** Recorded maintenance obligations, reserve funding, City inspection rights, enforcement remedies, and default procedures for all private, HOA, district, and developer-maintained infrastructure, including the gated emergency access points.
12. **Drainage and post-fire hydrology review under conservative assumptions.**
13. **Density and grading reduction trigger.** If the applicant cannot provide a second full-time southern access road, or cannot demonstrate adequate slope and evacuation resilience, density and grading intensity must be reduced accordingly.
14. **No reliance on future discretionary deferral for core safety issues.** Access, evacuation, wildfire, drainage, slope, and visual impact must be resolved before, not after, approval of the governing framework.
15. **Building envelope and ridgetop placements determined at Sub-Area Plan or Preliminary Plan, not deferred to Final Plat.**
16. **Integrated SMFR, CGS, and Ground Engineering findings adopted as conditions of approval**, with conflicts resolved in favor of the independent agencies and reviewers.
17. **Express cross-default Development Agreement provision** under which denial, withdrawal, expiration, infeasibility, or material modification of any one of the four applications automatically reopens the others; no certificate of occupancy under any approval issues until all four are mutually compatible and in good standing (see §II.A).
18. **Compliance with the SMFR Referral Response of February 4, 2026 (REFPDP25-00321) as the controlling life-safety record**, including without limitation: 20-foot minimum unobstructed all-weather travel-lane widths on Hill Camp Trail in each direction; 20-foot minimum widths on all cul-de-sacs (including the Cul-de-Sac with Median); design standards for all cul-de-sacs provided and verified for IFC Appendix D; resolution of the IFC remoteness and 750-foot dead-end issues by **geometry**, not by reliance on residential sprinklers as a substitute for code-compliant access; paved all-weather surface for both the Heather Drive and McArthur Drive emergency access points; submission and acceptance of a grading plan and auto-turn exhibit verifying the 6% maximum grade; defined gate configuration with maintenance and snowplow access; explicit recognition that Heather Drive and McArthur Drive emergency-only stubs do not satisfy the primary-AND-secondary evacuation requirement of the City of Lone Tree and Douglas County CWPPs and must be supplemented by the full-time southern public access required by Condition #2.
19. **Independent, peer-reviewed back-analysis of the Summer 2024 – Winter 2025 slope-failure event** on the utility access road serving the Bluffside Drive / Retreat at RidgeGate hillside, expressly including reconstruction of the failure mechanism, the trigger conditions, and the reactivation risk under the loading and drainage conditions the Hillcamp project would introduce; this analysis must be performed by an independent geotechnical consultant retained by the City at applicant expense, not by the applicant.
20. **Removal of any residential lot on landslide-mapped terrain**, including at minimum Lots 16–20 and Lots 21–26 as labeled on Shannon & Wilson Exhibit 21 (January 2026), and any other lot whose footprint or required cut/fill intrudes on

terrain mapped as landslide deposit (lidar inventory) or as high susceptibility on that exhibit; relocation of the proposed Fire Access Road off the labeled "Site Slope" zone.

21. **Independent, public-facing visual impact analysis** with story-poling, 3D renderings, cumulative visual modeling, recorded performance standards on grading, retaining-wall height, building envelope, ridgeline visibility, lighting, and landscape; and written reconciliation by City staff with the 2020 Xcel undergrounding policy decision concerning the Bluffs viewshed (see §IX.A–C).
22. **CORA-style production by the City of the complete records concerning the 2024–2025 slope-failure event** and all related slope-stability, emergency-access, utility-coordination, and geotechnical correspondence held by the City of Lone Tree, SMFR, Denver Water, Southgate Water District, Xcel Energy, RidgeGate Metropolitan District, the Retreat HOA, Century Communities, and Douglas County Engineering and Emergency Management; placed on the public application record **before** any vote (see §VI.I).
23. **Mandatory residential sprinklers in every dwelling** (per SMFR Comment #8) recorded on the plat and expressly memorialized as a permanent condition not waivable except by amendment of the recorded plat following public hearing.
24. **Application-wide compliance verification** before any vote: City staff shall produce, in writing, an itemized confirmation that each numbered condition in this §XIV has been satisfied or, if not satisfied, the specific basis for the City's contrary determination.

XV. Conclusion

The Hillcamp proposal is not an ordinary subdivision. It is one of the final major development decisions affecting the RidgeGate west-side upland landscape, the Bluffs viewshed, the East-West Regional Trail experience, and the long-term edge condition between Lone Tree's urban development and its open-space identity. Once approved and built, the transformation will be permanent.

The applicant has not met the burden necessary for approval of the current proposal. The applications are overdependent on a single full-time access corridor; improperly segmented despite functional interdependence; non-compliant with the Lone Tree subdivision code's drainage criteria on the present record; reliant on a sole-access road with multiple slope-stability factor-of-safety values below the developer's own preferred minimum; reliant on geotechnical modeling the developer's own consultant has identified as difficult to do reliably; reliant on the developer's own engineer's recommendation that the developer cannot follow on this alignment; and excessively reliant on deferred future approvals for the most critical life-safety, slope, drainage, evacuation, and visual-impact questions.

The City has, on its own record, a southern Surrey Drive alignment — Alternative 7, 4.7% grade — that meets all City and Fire Department public-roadway criteria. The developer's own paid consultant analyzed it. The developer's own paid consultant dismissed it with conclusory statements the City Planning Division has already found inadequate. There is no

engineering reason the project must rely on a single northern access. There is every public-safety and public-interest reason the project must not.

The City should deny the four Hillcamp applications as currently proposed. At minimum, the City should continue the applications and require a comprehensive redesign that includes a second permanent, paved, full-time public southern access road from North Surrey Drive, express cross-dependent treatment of all four applications, an integrated Wildfire Mitigation Plan certified by SMFD, and the conditions specified in §XIV.

This decision will determine not only whether Hillcamp is built, but whether it is built safely, responsibly, and consistently with the City's stated values regarding open space, ridgeline protection, hospital access, and long-term community resilience. The City should not accept avoidable risk — including the catastrophic risk of a slope or debris-flow failure on a sole-access road, the catastrophic risk of a wildfire evacuation through one corridor that the developer's own consultant says will get *worse* at buildout, and the chronic risk of a 925-foot queue on the Sky Ridge hospital approach — where a safer, gentler-grade, more resilient alternative is identified in the developer's own record.

A development of this size, in this terrain, on this hillside, adjacent to this hospital, on the edge of this open space, with this fire exposure, with this slope sensitivity, with this drainage history, and with this much deferred to future processes, cannot be approved with one full-time road. It should not be approved with one full-time road. And it does not have to be — because the developer has already analyzed, and the developer's own consultant has already designed, a southern Surrey Drive alternative that meets City and Fire Department criteria with the gentlest grade in the entire matrix.

The right decision is denial, or continuance with the conditions in §XIV. I respectfully request the City make that decision.

Respectfully submitted,

Mar Woodworth 10704 Bluffside Drive Lone Tree, CO 80124 pawdwrth@yahoo.com May 16, 2026

Source Record Relied Upon

Citations below are to the documents in the public referral file and the City's project pages.

- **City of Lone Tree Study Session Agenda, August 4, 2020 — RidgeGate Parks & Open Space Property Transfer.** Recording the $25 conveyance of approximately 392 acres of parks and open space west of I-25 to the City and identifying Xcel undergrounding funds for the Bluffs as a public benefit. (Study Session - 04 Aug 2020 - Agenda - Pdf.pdf, pp. 4–5.)
- **Hillcamp Sub-Area Plan and Design Guidelines, March 27, 2026 resubmittal** (RG24-0007). Describes Hillcamp as approximately 392 acres, "one cohesive community across RGPD and SPPD," and identifies Cabela Drive / Hillcamp Trail as the primary access with McArthur and Heather as emergency-only access points.

(HILLCAMP_R2_Hillcamp-Sub-Area-Plan.pdf, p. 15, p. 25, §2.11.2 at p. 33, Figures 3 and 4 at pp. 32 and 34; underlying Hillcamp-Sub-Area-Plan.pdf.)

- **Hillcamp Sub-Area Plan City Response Letter, R2** (HILLCAMP_R2_Hillcamp-Sub-Area-Plan-City-Response-Letter.pdf, pp. 8–11).
- **Hillcamp Community Response Letter, March 27, 2026.** Confirms Hillcamp Trail as primary public access; confirms McArthur and Heather connections as "strictly emergency only," gated, knox-box, *"not open to general public vehicular traffic,"* with McArthur ±10% grade *"much steeper than the 6% allowed for a public roadway, and that a public roadway connection is therefore infeasible at that location."* (HILLCAMP_R2_Hillcamp-Trail-Community-Response-Letter.pdf, p. 4.)
- **Hillcamp Trail City Response Letter, R2** (HILLCAMP_R2_Hillcamp-Trail-City-Response-Letter.pdf, pp. 2–18). Including: required Development Agreement, p. 2; non-compliance with Lone Tree Code § 17-5-20 due to Tract M, pp. 3–4; 4:1 slope requirement, p. 9; refusal of 3:1 slopes, p. 10; full-buildout debris-flow modeling requirement, pp. 10–11; pedestrian-bridge FOS minimum 1.5, p. 12; drainage report internal inconsistency, pp. 13–14; Gambel oak removal and refusal, pp. 16–17; Access Memorandum inadequacy, p. 18.
- **Hillcamp Trail The Retreat Response Letter, R2** (HILLCAMP_R2_Hillcamp-Trail-The-Retreat-Response-Letter.pdf, pp. 2, 4, 5–7, 11). PDD does not establish roadway location; easement does not restrict alignment selection.
- **Hillcamp Trail Geotechnical Response Letter, R2** (HILLCAMP_R2_Hillcamp-Trail-Geotechnical-Response-Letter.pdf, pp. 2, 6–12). CGS comments on inadequacy of preliminary geotech for sole-access road; central-segment data gap (Sta 31+00 to 38+00); Retreat retaining-wall failure; tightened FOS standard for sole access; Ground Engineering cohesion-value caution; concurrence with CTL's drainage-rerouting recommendation; 25-ft tiered walls across 1,123 LF.
- **Hillcamp Trail Geotech-Slope-Stability, R2** (HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stablity.pdf, pp. 1–13). Identified hazards; FOS minimums (1.3 industry, 1.5 preferred); FOS results table including B-B' 1.3, F-F' 1.4, H-H' 1.4; "complex geologic environment makes it difficult to model"; drainages-rerouting recommendation; DEM change-detection up to 19 ft elevation drop; bedrock 1–17.5 ft below surface; up to ±25 ft cuts and ±20 ft fills.
- **Hillcamp Trail Pedestrian Bridge Geotechnical Investigation, R2** (HILLCAMP_R2_Hillcamp-Trail-Pedestrian-Bridge-Geotechnical-Investigation.pdf, p. 8). *"The project may increase the debris flow susceptibility downstream."*
- **Hillcamp Trail Phase III Drainage Report, R2** (HILLCAMP_R2_Hillcamp-Trail-Phase-III-Drainage-Report.pdf, pp. 1–5). Hydrologic Soil Groups C and D; downstream restrictor 325.17 CFS at Pond 311; Hydrodynamic Separator substituted for Tract M; design storms 1.43"/5-yr and 2.60"/100-yr.
- **Hillcamp Drive Drainage Report** (8-Hillcamp-Drive-Drainage-Report.pdf, pp. 5–6 Table 2). Original Sub-basin P / Tract M scheme; peak flows.
- **Hillcamp Drive Traffic Impact Study** (13-Hillcamp-Drive-Traffic-Impact-Study.pdf, pp. 4, 7, 17–20). 343 SF homes; 3,136 ADT; 199/118 PM peak; no trips routed south;

2024–2045 LOS F at Park Meadows roundabout; 925-ft queue at Sky Ridge hospital approach.

- **Hillcamp Drive Alternative Access Memorandum** (14-Hillcamp-Drive-Alternative-Access-Memo.pdf, pp. 2–7). Seven alignments evaluated; Alt 7 Surrey Ridge 4.7% grade, 3,717 LF, meets City and Fire criteria; PDD circulation conceptual and modifiable.
- **Hillcamp Drive Previous Road Alternatives** (15-Hillcamp-Drive-Previous-Road-Alternatives.pdf). Historical alignment analysis record.
- **Hillcamp Drive Preliminary Geotechnical Investigation** (5-Hillcamp-Drive-Preliminary-Geotechnical-Investigation.pdf, pp. 2, 10–12).
- **Hillcamp Drive Supplemental Geotechnical Investigation** (6-Hillcamp-Drive-Supplemental-Geotechnical-Investigation.pdf, pp. 2, 4).
- **Hillcamp Drive Wildfire Risk Assessment** (20-Hillcamp-Drive-Wildfire-Risk-Assessment.pdf, pp. 3, 4, 9, 10, 12, 13, 15–16). Site 392.2 acres WUI at ~6,300 ft; Moderately-High to High BP; SH7 fuel; 12–60+ chains/hour spread; chimney effect; build-out egress vulnerability admission.
- **Hillcamp Drive Biological Assessment, R2** (HILLCAMP_R2_Hillcamp-Trail-Biological-Assessment.pdf, pp. 7–8, 18–19). Federally-Threatened/Endangered species potentially present; burrowing owl breeding range; Preble's meadow jumping mouse; bald eagle winter range.
- **Hillcamp Drive RRMD1 Letter to Retreat HOA on Drainage Needs, September 25, 2025** (9-Hillcamp-Drive-RRMD1-Letter-to-Retreat-HOA-on-Drainage-Needs.pdf). Denise Denslow, District Manager, RRMD1, to Susie Wargin, Board President, The Retreat HOA, requesting acquisition of Tract M and the corresponding pipe easement. Unsigned by HOA.
- **Hillcamp Drive Pedestrian Bridge / Douglas County comments, R2** (HILLCAMP_R2_Hillcamp-Trail-Douglas-County-Pedestrian-Bridge-Comments.pdf).
- **Hillcamp Drive Final Plat, Filing No. 1** (HILLCAMP_R2_Hillcamp-Trail-Final-Plat.pdf; Final Plat – Hillcamp Trail Filing No. 1 - City of Lone Tree.pdf).
- **City of Lone Tree project summaries** for Hillcamp Sub-Area Plan, Hillcamp RidgeGate Rural Residential Preliminary Plan, and Hillcamp Southridge Preserve Preliminary Plan.
- **South Metro Fire Rescue Fire Marshal's Office, Referral Response, SMFR Review # REFPDP25-00321, February 4, 2026** (Scott Stene, Plan Reviewer; Rich Conroy, Deputy Fire Marshal), addressing Project Files SB25-0009 / SB25-0010 / RG24-0007 / SB25-0014, Comments 1–10, with Attachment 1 (SMFR Fire Access Road Design Criteria) and Attachment 2 (October 12, 2002 SMFR Referral Response for ZR02-11 Southridge Preserve, Roger Parker, Fire Marshal). The 2002 letter establishes that for over twenty-three years SMFR has been on record requiring two points of access for any portion exceeding 40 units, internal fire sprinklers in all structures, and Uniform/International Fire Code-compliant emergency access road design.
- **Shannon & Wilson, Inc., "Retreat at RidgeGate Slope Movement, Lone Tree, Colorado," Project No. 115813-001, Exhibit 21: Landslide Susceptibility Map (overlain on Google Earth, after Lindsay, 2018), January 2026.** Third-party

geotechnical engineering exhibit showing Lots 16–26 and the proposed Fire Access Road sited on or adjacent to mapped landslide deposits and high-susceptibility terrain on the same hillside that experienced an active slope failure closing the utility access road from Summer 2024 through Winter 2025.

- **Hilltop / Hillcamp Public Comment by Philip Woodworth**, identifying the absence of post-development visual simulations, the proposed 35-foot building heights, the ~10-foot side-yard separation creating row-house density, the failure of the developer's traffic analysis to address Sky Ridge hospital access conditions, and requesting both Alternate 1 AND Alternate 7 be constructed as permanent primary access points.
- **The Retreat HOA, RidgeGate (master HOA), and Montecito HOA legal opposition letters** — incorporated by reference; coordinated legal position of adjacent, downhill, and downstream homeowners.

Appendix A — Alternative Access Comparison (developer's own analysis, recharacterized)

Alt	Description	Length	Grade	Meets criteria	Notes
1 (Green — chosen)	Cabela / Hillcamp Trail extension north into The Retreat	4,077 LF	**6.0%**	Yes	Concentrates all 343 homes' trips on one corridor; 925-ft hospital-approach queue; LOS F at Park Meadows roundabout.
2 (Magenta)	Retreat HOA ranch-road route	1,708 LF	8.0%	Yes	Through HOA property; not viable as primary public access.
3 (Purple)	T-intersection at Cabela	1,179 LF	11.9%	No	Fails grade criteria.
4 (Light Blue)	T-intersection NE	1,240 LF	12.6%	No	Fails grade criteria.
5 (Dark Blue)	Through rear of Cabela's commercial	1,805 LF	8.9%	Yes	Steeper than chosen; commercial-access conflicts.
6 (Orange)	Surrey Ridge alignment per RGPD 7th Amendment	1,786 LF	9.8%	Yes	Southern access path. PDD-level; developer's own characterization concedes PDD is conceptual.
7 (Red)	**Surrey Ridge engineered to City and Fire grades**	**3,717 LF**	**4.7%**	**Yes**	**Gentlest grade in the matrix. Code-compliant. Developer rejected with non-engineering, conclusory reasons the City**

has called inadequate.

Source: 14-Hillcamp-Drive-Alternative-Access-Memo.pdf, p. 6 (Summary Table) and pp. 5–7.

Appendix B — Top Quotation Pack (for the public hearing record)

1. **Single-road egress is officially worsened by build-out.** *"Ingress/Egress traffic will experience a higher vulnerability here at buildout due to the increased traffic load from Hillcamp, as more vehicles are put on the road in event of mass ingress/egress."* — 20-Hillcamp-Drive-Wildfire-Risk-Assessment.pdf, p. 13.
2. **A code-compliant Surrey Drive alignment already exists with the gentlest grade in the matrix.** *"Roadway Length = 3,717 Linear Feet, Roadway Slope = 4.7% … Meets Emergency Access Only Criteria: Yes."* — 14-Hillcamp-Drive-Alternative-Access-Memo.pdf, p. 6 Summary Table.
3. **Developer concedes the PDD does not lock the alignment.** *"All access points shown in the RidgeGate PDD were analyzed in greater detail, including one from the Retreat and one from Surrey Drive. The PDD document notes that Major Circulation Elements are conceptual in nature and subject to modification and refinement."* — 14-Hillcamp-Drive-Alternative-Access-Memo.pdf, p. 3.
4. **The City has already found the application non-compliant with the subdivision code.** *"Because the applicant is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M, the Applicant cannot fulfill the requirements of the Storm Drainage Design and Technical Criteria Manual. As a result, the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code."* — HILLCAMP_R2_Hillcamp-Trail-City-Response-Letter.pdf, pp. 3–4.
5. **The geotechnical record is "preliminary" and insufficient for a sole-access road.** *"While the submitted geotechnical investigation employs standard methods and is appropriate for conceptual planning, it does not meet the level of investigation and analysis typically required to support approval of a public roadway that will serve as the sole access to a 343-unit residential development, without additional design-level subsurface exploration, analysis, and verification."* — HILLCAMP_R2_Hillcamp-Trail-Geotechnical-Response-Letter.pdf, p. 9 (CGS).
6. **Developer's own engineer says the corridor cannot be properly modeled.** *"the complex geologic environment makes it difficult to model subsurface conditions"* and *"Variations in the subsoil conditions not indicated by our borings are likely."* — HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stability.pdf, pp. 5 and 13 (Limitations).
7. **Project will increase debris-flow risk on adjacent properties.** *"The project may increase the debris flow susceptibility downstream."* — HILLCAMP_R2_Hillcamp-Trail-Pedestrian-Bridge-Geotechnical-Investigation.pdf, p. 8.
8. **Developer cannot follow its own engineer's recommendation.** CTL: *"We recommend re-routing the drainages to avoid installation of sub-fill drains below the proposed road alignment."* — HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stability.pdf, p. 10. CGS concurs at Geotech Response Letter p. 12. Developer: *"It is not*

feasible for the drainageways to be rerouted." — HILLCAMP_R2_Hillcamp-Trail-City-Response-Letter.pdf, p. 8.

9. **TIS routes zero trips south because there is no functional south outlet; chosen north access fails.** *"No site-generated traffic was routed to the south, despite the proposed connection to the existing residential area via Heather Drive. Drivers are unlikely to use this route, as it provides a less direct path to I-25."* — 13-Hillcamp-Drive-Traffic-Impact-Study.pdf, p. 7. Park Meadows roundabout 2024 EB PM peak LOS F (61s); 2028 with project LOS F (167s); 925-ft hospital-approach queue at p. 20.
10. **Interim FOS values dip below industry-accepted minimums on the sole access road; CGS requires tighter standard.** Slope Stability Analysis FOS results: H-H' interim 1.4; F-F' interim 1.4 (1.6H:1V cut); B-B' interim R-to-L 1.3. CGS: *"Because Hillcamp Trail will serve as the sole access to the development, tolerance for interim or localized instability is significantly lower than for private or secondary access roads."* — HILLCAMP_R2_Hillcamp-Trail-Geotech-Slope-Stability.pdf pp. 7–8; HILLCAMP_R2_Hillcamp-Trail-Geotechnical-Response-Letter.pdf p. 10.
11. **Developer refuses fire-fuel guidance.** City: *"In the landscape plans (Sheets 45-50) remove gambel oak from planting plan. This plant material is a fire hazard."* — HILLCAMP_R2_Hillcamp-Trail-City-Response-Letter.pdf, pp. 16–17. Applicant refused at p. 17. Same fuel is identified in WRA's most dangerous SH7 class supporting *"crown fires, torching, and intense radiant heat."* — Wildfire Risk Assessment, p. 15.
12. **Four applications cannot be approved as standalone items.** *"A Development Agreement will be necessary for the proposed overall Hillcamp development (including applications SB25-0014, RG24-0007, SB25-0009, and SB25-0010)."* — HILLCAMP_R2_Hillcamp-Trail-City-Response-Letter.pdf, p. 2.

End of Master Objection. The author respectfully reserves the right to supplement this objection with the HOA legal opposition letters from The Retreat, RidgeGate (master HOA), and Montecito HOA, and with any additional engineering, geotechnical, fire-agency, or City staff materials submitted into the public referral record after the date of this submission.

Appendix C — South Metro Fire Rescue Referral Response, February 4, 2026 — Itemized Compliance Failures

The following is an itemized restatement of the substantive findings in the SMFR Referral Response of February 4, 2026 (SMFR Review # REFPDP25-00321), as relevant to the four Hillcamp applications. Citations are to the comment numbering in the SMFR letter.

Comment #	Subject	SMFR Finding	Status
1	General — historical SMFR referrals	The Southridge Preserve PDD was reviewed in October 2002 (ZR02-11); the 2002 referral required two points of access for >40 units, internal fire sprinklers in all	Outstanding

		structures, Uniform Fire Code-compliant emergency access road design, and wildfire-hazard mitigation. The 2002 conditions remain materially unmet by the current proposal.	
2	Water supply	An approved Residential Water Distribution System (RWDS) is required. The capacity of that system will establish maximum residential structure sizes based on IFC fire-flow requirements.	Outstanding
3	Apparatus access — gates and surface	Heather Drive and McArthur Drive emergency access surfaces are shown unpaved; SMFR will require paved all-weather surface. No grading plan or auto-turn exhibit submitted; SMFR requires both. Gate configuration and snowplow/maintenance access between gates undefined.	Outstanding
4	Hill Camp Trail width	Bifurcated 11-foot lanes; total 22-foot paved width. IFC minimum unobstructed width is 20 feet. SMFR states bifurcation reduces navigable width and that 11-foot lanes leave very little recovery room in wet/slippery conditions, *"increasing the likelihood of our primary apparatus access point into the proposed development being blocked."* SMFR requires each lane to be a minimum 20-foot all-weather surface.	Critical non-compliance
5	Internal roadway standard / density mismatch	Roadway design uses Douglas County Rural Local Type I/II — intended for 2.5-acre minimum lots with 8 required parking spaces per lot. Hillcamp does not meet that minimum. Parking-per-lot not specified. On-street parking would be prohibited throughout the development; SMFR calls this *"impractical."*	Critical non-compliance
6	Cul-de-Sac with Median width	16-foot all-weather surface. IFC minimum is 20 feet. SMFR notes this is *"especially necessary"* given adjacency to structures.	Critical non-compliance
7	Multiple cul-de-sacs with no design standard	SMFR cannot verify compliance with IFC Appendix D.	Outstanding
8	IFC two-access	Site layout, density, and topography do not	Critical non-

	remoteness and 750' dead-end limit	allow compliant remoteness where two apparatus access roads are required (>30 dwellings from a single intersection); dead-ends exceed the 750-foot IFC maximum; SMFR approval conditioned on **(a) automatic fire sprinkler systems in all dwellings**, and **(b)** code-compliant turnarounds at halfway points of all over-length dead-ends.	compliance
9	WUI risk	Many lots are in a Moderate Intensity WUI risk area on the Colorado Wildfire Resiliency Code Board state-adopted map. WUI structure-hardening and site/area requirements presumed in force at time of permitting.	Outstanding (planning)
10	CWPP secondary-evacuation requirement	Both the City of Lone Tree CWPP (2025) and the Douglas County CWPP (2022) *"emphasize the need for primary and secondary emergency evacuation routes to be established from WUI risk areas."* SMFR views the gated Heather/McArthur connections as serving secondary-route purposes for both Hillcamp and the existing adjacent developments. This objection respectfully disagrees that gated emergency-only stubs constitute meaningful secondary evacuation routes under the CWPPs (see §V).	Disputed — secondary public access required

SMFR Fire Access Road Design Criteria (Attachment 1 to the Feb 4, 2026 referral):

- Building exterior walls more than 150 feet from a public street curb line must be served by an unobstructed fire-apparatus access road.
- Maximum on-site grade for fire-apparatus access roads: **6%**.
- Minimum unobstructed width: **20 feet**.
- Minimum vertical clearance: **13 feet 6 inches** for the entire required width.
- Largest SMFR apparatus: length 47'9.5"; width 8'5" (10'1" mirror to mirror); height 10'9"; wheelbase 273"; design load 80,000 lbs; inside turn radius 26'1"; curb-to-curb 41'11"; wall-to-wall 46'8".
- Dead-end access roads over 150 feet require an approved turnaround.

The current submittals do not satisfy these criteria on multiple counts (Comments 4, 5, 6, 7, 8) and have not yet provided the documentation needed to demonstrate satisfaction of others (Comment 3 — paving, grading, auto-turn exhibit). The City may not rationally approve any application until SMFR has issued a non-objection letter, which on the present record it has not.

Appendix D — Shannon & Wilson Exhibit 21 (January 2026) and the Documented 2024–2025 Slope-Failure Event

Source exhibit: Shannon & Wilson, Inc., *"Retreat at RidgeGate Slope Movement, Lone Tree, Colorado,"* Project No. 115813-001, **Exhibit 21: Landslide Susceptibility Map** (overlain on Google Earth, after Lindsay, 2018), January 2026.

What the exhibit shows:

Feature on Exhibit 21	Susceptibility / Status
Large dark-red polygon containing Bluffside Drive (existing)	Mapped landslide deposit (lidar inventory)
Smaller dark-red polygons immediately south of Bluffside Drive	Mapped landslide deposits (lidar inventory) — adjacent to Lots 16–20 and Lots 21–26 as labeled
Lots 16–20 (proposed Hillcamp residential)	On or immediately adjacent to mapped landslide deposit / high-susceptibility terrain
Lots 21–26 (proposed Hillcamp residential)	On or immediately adjacent to mapped landslide deposit / high-susceptibility terrain
Fire Access Road (proposed)	Crosses the labeled **"Site Slope"** polygon, immediately downhill of mapped landslide-deposit terrain
Surrounding orange polygons	Medium susceptibility (Lindsay 2018)
Surrounding yellow polygons	Low susceptibility (Lindsay 2018)

The Summer 2024 – Winter 2025 slope-failure event (documented on the ground; CORA production required for the supporting agency records):

The labeled **"Site Slope"** zone on Exhibit 21 — the same zone the proposed Fire Access Road crosses — experienced an active slope failure from approximately Summer 2024 through Winter 2025. The event closed the utility access road serving the Bluffside Drive / Retreat at RidgeGate hillside for several months. The closure occurred under existing, undeveloped conditions (no Hillcamp cut, fill, grading, irrigation, or added impervious surface) and is in direct contiguity with (i) the Tract C / retaining-wall failure referenced by the Colorado Geological Survey (Geotech Response Letter, p. 9), and (ii) the area adjacent to Bluffside Drive *"that was recently subject to the slope failure and mitigation work"* identified by City staff (City Response Letter, p. 14, Drainage Report item 10).

Engineering significance of the 2024–2025 event:

1. **Slope susceptibility is no longer predictive on this hillside; it is historical.** A predictive susceptibility map has been confirmed by a recent, documented failure on the very polygon the proposed Fire Access Road would traverse.

2. **The duration of the closure provides a real-world recovery-time benchmark** comparable to a worst-case wildfire-evacuation or post-storm utility-restoration scenario on the same corridor. Several months of access unavailability on the only public road into Hillcamp would be a foreseeable life-safety failure mode.
3. **The conditions that make reactivation more likely are precisely the conditions Hillcamp would introduce:** structural loading on the upslope bench, concentrated stormwater discharge above an active mass, modified subsurface drainage paths, irrigation infiltration, repeated construction-equipment vibration, and cut/fill at the toe and shoulders of the active mass.
4. **CTL|Thompson's slope-stability analysis has not been back-analyzed against this event,** has not been provided with field data from this event, and has not been peer-reviewed against this event.

Required follow-up:

- Independent peer-review back-analysis of the 2024–2025 failure (§XIV Condition #19).
- Removal of Lots 16–26 from the plat (§XIV Condition #20).
- Relocation of the Fire Access Road off the "Site Slope" polygon (§XIV Condition #20).
- CORA production of all agency, utility, district, HOA, and developer correspondence concerning the event (§VI.I and §XIV Condition #22).

Appendix E — Cross-Reference: Where Each New Exhibit Strengthens Each Section of This Objection

Existing section	New exhibit / event	Strengthening effect
§II Cross-default	(none new — argument structural)	Promoted to a numbered Condition (#17) in §XIV.
§III Single primary access	SMFR Comment #4 (Hill Camp Trail bifurcated 11' lanes)	The responding fire agency confirms the primary access is *"more likely to be blocked"* than a code-compliant road would be.
§IV Surrey Drive Alt 7	(no change to the alternatives table)	Reinforced by SMFR Comment #10 — CWPPs require *primary AND secondary* evacuation routes that gated stubs do not satisfy.
§V Wildfire / evacuation	SMFR Referral Feb 4, 2026 (full text)	Formerly "reserved space" is now an itemized agency record of Code non-compliance; promoted to a numbered Condition (#18) in §XIV.
§VI Geotechnical	Shannon & Wilson Exhibit 21 + 2024–25 closure event	Formerly "reserved space" is now graphic and historical evidence that the slope on which the project is sited has already failed. Promoted to numbered Conditions (#19, #20, #22) in §XIV.

§VII Drainage / debris flow	Shannon & Wilson Exhibit 21 (drainage paths visible on map)	Corroborates the City's full-buildout debris-flow modeling demand.
§VIII Traffic / hospital	(no change)	Reinforced by SMFR Comment #5 on parking-prohibition impracticality.
§IX Bluffs viewshed	Aug 4, 2020 Study Session staff report + Hilltop Public Comment	New §§ IX.A–C added: Xcel undergrounding policy precedent, demand for honest 3D renderings, recorded performance standards. Promoted to numbered Condition (#21) in §XIV.
§X Improper deferrals	SMFR Referral Feb 4, 2026	Reinforced — SMFR has not issued a non-objection; multiple items of life-safety significance remain unresolved.
§XI Long-term maintenance	(no change)	Reinforced by SMFR gate-configuration finding (Comment #3).
§XII Independent reviewers	SMFR Referral Feb 4, 2026 + Shannon & Wilson Exhibit 21	Both formally added to the list of independent technical reviews adverse to the applicant on the present record.
§XIII Application-specific objections	(no change)	Reinforced as to each of the four applications.
§XIV Required conditions	All of the above	Eight new numbered Conditions (#17–#24) added.
§XV Conclusion	All of the above	Reinforced — the project is not approvable on the present record; if approved at all, it must be approved as one cohesive community with a second full-time public southern access, with Lots 16–26 removed, and with the cross-default Development Agreement in place.

End of Master Objection.

FORMAL MASTER OBJECTION AND REQUEST FOR DENIAL, CONTINUANCE, OR MATERIAL CONDITIONS

Hillcamp Development Applications - City of Lone Tree

Applications addressed: RG24-0007 Sub-Area Plan; SB25-0010 RidgeGate Rural Residential Preliminary Plan; SB25-0009 Southridge Preserve Preliminary Plan; SB25-0014 Final Plat / Cabela Drive-Hillcamp Trail Extension.

Submitted by: Philip Woodworth

10704 Bluffside Drive, Lone Tree, CO 80124

padwrth@mac.com

May 16, 2026

Requested action: Deny the applications as currently proposed. At minimum, continue the applications and require a unified, cross-dependent review and substantial redesign before any approval.

Core defect	Requested condition / remedy
Artificial segmentation of four interdependent applications	Treat all four applications as cross-dependent approvals; denial, material modification, or failure of one application must require reconsideration of the others.
Single full-time access dependency	Require a second permanent, full-time, paved, public, southern access road before approval of any residential density or final plat.
Emergency-only southern/western access is inadequate	Gated, locked, emergency-only, unpaved access must not be counted as operational access redundancy.
Viewshed and ridgeline impact	Require full independent visual impact analysis from public viewpoints and trails, including Bluffs Regional Park and City-wide viewsheds.
Geotechnical, drainage, wildfire, and evacuation risk	Require independent peer review, evacuation modeling, long-term maintenance funding, and enforceable development conditions before approval.

I. Introduction and Executive Summary

This letter is submitted as a formal objection to the above-referenced Hillcamp applications. The objection is not based on a generalized opposition to all development. It is based on the specific deficiencies of the current proposal: inadequate permanent access redundancy, improper segmentation of an integrated development plan, excessive reliance on future discretionary approvals, significant wildfire and evacuation concerns, substantial geotechnical and drainage sensitivity, and irreversible alteration of a ridgeline and open-space viewshed that the City of Lone Tree has previously recognized as a public resource worthy of preservation.

The applicant has submitted four separate applications for concurrent review. The City's project pages state that these four applications make up the applicant's initial development proposal for the Hillcamp community and that, while reviewed concurrently, each must be reviewed and decided separately. That procedural separation does not eliminate their functional interdependence. The Sub-Area Plan establishes the governing framework. The two Preliminary Plans establish the residential subdivision patterns. The Cabela Drive / Hillcamp Trail Final Plat supplies the primary vehicular access on which the residential plans depend. These applications rise or fall together as an integrated project.

For that reason, the City should not approve any one application in isolation. If any component application is denied, materially modified, or found inconsistent with applicable standards, each remaining application

should automatically be reconsidered because the access assumptions, traffic assumptions, emergency-response assumptions, utility assumptions, grading assumptions, drainage assumptions, open-space assumptions, and cumulative impacts are inseparable. In practical effect, the applications should be treated as cross-dependent approvals.

The central fatal flaw is access. The applicant's own Sub-Area Plan states that the site is anticipated to be accessed primarily by the extension of Cabela Drive / Hillcamp Trail, while the two other connections - McArthur Drive to the west and North Heather Drive to the south - are described as emergency-only access points, perpetually unpaved, locked, gated, and signed. A large hillside residential community in wildfire-prone, geotechnically sensitive terrain should not be approved with only one full-time operational access road.

Accordingly, no approval should occur unless the City requires a second permanent, full-time, paved, public southern access road capable of supporting ordinary daily traffic, emergency ingress, emergency egress, utility/service access, and evacuation redundancy independent of the proposed Cabela Drive / Hillcamp Trail extension. Emergency-only gated access is not a substitute for true circulation redundancy.

II. The Four Applications Must Be Considered as One Integrated and Cross-Dependent Development Proposal

Although the City must ultimately act on each application separately, the factual and technical review must be unified. The applications are not independent projects. They are components of a single master development proposal. The Sub-Area Plan is the governing framework; the RidgeGate Rural Residential Preliminary Plan proposes 261 single-family detached lots; the Southridge Preserve Preliminary Plan proposes 82 single-family detached lots; and the Cabela Drive / Hillcamp Trail Final Plat provides the principal vehicular access upon which both residential subdivisions depend.

The applicant's own planning documents confirm the integrated nature of the project. The Sub-Area Plan states that Hillcamp is intended to be one cohesive community extending across two Planned Development Districts, the RidgeGate 7th Amendment PDD and the Southridge Preserve PDD. The Sub-Area Plan further states that its purpose is to create one cohesive document to promote a seamless neighborhood named Hillcamp. This is not a collection of unrelated applications. It is one proposed community processed through four procedural vehicles.

Because the applications are interdependent, the City should expressly condition any approval so that approval of one component is not independently operative if another component is denied, withdrawn, materially modified, or later determined infeasible. The approvals should include a cross-dependency provision: failure or material alteration of any of the four applications must reopen review of the others. Without that safeguard, the City risks approving a partial framework that no longer accurately reflects the full project impacts.

This is especially important for access. If the Cabela Drive / Hillcamp Trail Final Plat is denied or materially modified, the residential Preliminary Plans cannot rationally proceed as designed. Conversely, if the residential density, lot layout, wildfire mitigation assumptions, or drainage assumptions change, the roadway, traffic, and evacuation analyses must be revisited. Each application relies upon the others. Each should therefore be conditioned upon the continuing validity and compatibility of the others.

III. The Single Primary Access Design Is the Central Fatal Defect

The proposed circulation framework is not resilient. It concentrates ordinary daily traffic, emergency response, evacuation egress, service access, utility access, and visitor access onto one primary full-time roadway: the extension of Cabela Drive / Hillcamp Trail. The applicant then proposes two emergency-only connections: McArthur Drive to the west and North Heather Drive to the south. Those two access points are not proposed as general public roads. The applicant's materials describe them as emergency-only, locked, gated, and, in the case of the western connection, physically constrained.

This is not a minor design preference. It is a public-safety issue. The proposed development would place hundreds of new homes on elevated terrain with wildfire exposure, steep topography, drainageways, expansive soils, and known slope sensitivity. A single full-time access corridor becomes a single point of operational failure. A crash, stalled vehicle, fire apparatus conflict, winter weather closure, smoke impairment, roadway repair, utility work, drainage failure, slope movement, or evacuation backup could compromise the only road available for normal residents, visitors, services, and emergency responders at the same time.

The applicant's response materials state that the two emergency-only connections are intended to prevent cut-through traffic and will not be open for general public vehicular traffic. The same materials also state that the McArthur Drive emergency access is approximately +/-10% grade, much steeper than the 6% allowed for a public roadway, and that a public roadway connection is therefore infeasible at that location. That admission reinforces the need for a true second public access elsewhere - specifically to the south - rather than relying on emergency gates.

The City should not treat gated emergency access as equivalent to permanent access redundancy. Emergency-only access may help fire apparatus reach a location under certain circumstances. It does not provide ordinary traffic distribution, real evacuation capacity, routine service access, visitor access, or redundancy for daily roadway failures. It also introduces operational uncertainty: gates, locks, Knox boxes, snow removal, maintenance responsibility, enforcement, access permissions, emergency timing, and physical condition all become potential failure points.

The proper standard here should be simple: a development of this size and risk profile should not proceed without two fully operational, permanent, public, full-time access corridors. The southern connection should not be emergency-only. It should be a real road.

IV. The Applicant's Own Materials Undercut the Adequacy of Emergency-Only Access

The applicant's materials attempt to frame emergency-only access as a benefit. That framing is incomplete. The applicant says the emergency-only gates enhance life-safety access while preventing cut-through traffic. But that formulation treats neighborhood traffic management as if it were equivalent in importance to evacuation resilience. It is not. Preventing cut-through traffic is a convenience and neighborhood-circulation objective. Providing resilient evacuation and emergency access is a life-safety requirement.

If the applicant believes the southern and western connections are important enough to support emergency access, then those corridors are also important enough to analyze as full-time access alternatives. The need for emergency access is itself evidence that the Cabela Drive / Hillcamp Trail corridor is not sufficient standing alone. The question is not whether emergency gates are better than nothing. The question is whether a large hillside community should be approved when its only ordinary public access is one corridor, and all other routes are locked and restricted.

The answer should be no. The City should require the applicant to either redesign the project with a permanent southern full-time public road or reduce density and infrastructure intensity to a level that can be safely served by the available access network.

V. Wildfire and Evacuation Risks Require Real Network Redundancy, Not Gated Contingency Routes

The Sub-Area Plan itself acknowledges that both underlying PDDs recognize wildfire danger on this site and the importance of mitigation during construction and final development. It states that wildfire mitigation plans will address internal protection and consider the safety of surrounding communities, including evacuation planning and vegetation management. This acknowledgment is important. The applicant is not proposing development on a flat, urban infill lot with multiple adjacent grid connections. It is proposing a large, elevated, semi-rural hillside community adjacent to open grassland and ravines.

Wildfire evacuation is not merely a question of whether fire trucks can enter. It is a question of simultaneous movement: residents leaving, emergency responders entering, smoke reducing visibility, frightened drivers

hesitating, vehicles backing up, families loading possessions and pets, elderly or mobility-limited residents moving slowly, school or delivery vehicles creating conflict, and roadway geometry becoming a choke point. In that environment, one full-time road is not enough.

The proposed roads are also described in the Sub-Area Plan as narrow, rural, scenic, low-speed, and shared by cars, pedestrians, and bicyclists. Those design choices may support an aesthetic vision, but they increase the need for independent evacuation modeling. A road network designed for rural character and scenic calm should not be assumed to function adequately under evacuation stress without rigorous proof.

Before any approval, the City should require an integrated evacuation model analyzing simultaneous resident egress and emergency responder ingress under blocked-road, smoke, winter, nighttime, and high-wind scenarios. That analysis should assume that the primary Cabela Drive / Hillcamp Trail corridor may be partially or fully unavailable. If the project cannot safely evacuate without that corridor, it should not be approved without a second full-time public access road.

VI. The 2020 City Record Confirms That the Bluffs Viewshed Is a Public Resource, Not a Private Aesthetic Preference

The visual impact issue should not be dismissed as a private view objection. The City has already recognized the public value of the Bluffs and RidgeGate/Cossington Open Space viewshed. In the City Council Study Session materials dated August 4, 2020, City staff described the RidgeGate Parks & Open Space Property Transfer, including approximately 392 acres of parks and open space west of I-25. The staff report stated that parks and open space remain high priorities for Lone Tree residents, with 81% of respondents identifying parks, ball fields, and playgrounds as very or somewhat important and 89% of residents believing the same for open space.

Most importantly, that same City staff report identified as a benefit of City ownership that the City could access Xcel undergrounding funds to underground the power lines on top of the Bluffs visible from town. This is powerful evidence that the City considered visible infrastructure on the Bluffs to be a public viewshed issue significant enough to justify an infrastructure response. If overhead power lines visible from town were important enough to bury, then hundreds of homes, roads, retaining walls, lighting, grading scars, utility corridors, rooftops, driveways, and night lighting across the same ridgeline environment require at least equal scrutiny.

The City cannot reasonably treat the Bluffs as a visual resource worthy of undergrounding power lines while simultaneously approving permanent ridgeline urbanization without a rigorous, independent, public-facing viewshed analysis. The issue is not merely whether individual homes can be partially screened from a few selected viewpoints. The issue is whether the project cumulatively transforms the open-space foreground, ridgeline character, trail experience, and regional mountain-view corridor that the public currently experiences from Bluffs Regional Park, the East-West Regional Trail, surrounding neighborhoods, and the broader Lone Tree community.

The applicant's own Sub-Area Plan repeatedly uses photographs and language celebrating Hillcamp's panoramic views, peak-to-peak vistas, upland character, unobstructed 360-degree views, sunset views, mountain views, and open-space identity. Those materials demonstrate the very resource the project would consume. The fact that the site has extraordinary views is not simply a marketing asset for future homeowners. It is also a public planning value that the development would permanently alter.

VII. The Proposal's Own Narrative Contradicts Its Physical Reality

The applicant describes Hillcamp as a legacy community, harmonious with nature, deeply committed to open space, shaped by the land, minimizing grading, preserving vegetation, respecting ridgelines, and maintaining rural upland character. Those aspirations are attractive, but they cannot substitute for the physical reality of the proposal.

The current proposal would introduce up to 343 residential lots, a primary access road, emergency-only access corridors, internal streets, utility systems, drainage facilities, retaining walls, grading, lighting, wildfire mitigation infrastructure, an amenity center, parks, mail facilities, driveways, and long-term maintenance obligations into one of the final large undeveloped upland landscapes on the west side of RidgeGate. A project of that scale does not leave the landscape feeling untouched. It transforms it.

The contradiction is especially apparent in the applicant's use of the word 'rural.' The proposal appears to rely on compact lotting, clustered homes, narrow roads, common amenities, lighting controls, shared streets, and engineered systems. Those may be design strategies, but they do not make the project rural in the way the public experiences the current open-space landscape. Small side-to-side lots across an elevated terrain can create a continuous visual edge and roofline even when individual structures use muted colors. The cumulative effect matters more than the individual architectural treatment.

The City should require the applicant to demonstrate consistency with the PDDs and the City's open-space values through measurable performance standards, not through aspirational prose. The applicant should be required to provide enforceable limits on grading, wall height, lighting, building envelopes, building height, ridgeline visibility, and long-term maintenance, together with independent visual simulations from public viewpoints.

VIII. Geotechnical and Drainage Conditions Heighten the Need for Redundancy and Independent Review

The site's geotechnical and drainage setting is not ordinary. The applicant's technical materials identify Hydrologic Group C and D soils, which are associated with low to very slow infiltration and high runoff potential. The drainage report explains that Hydrologic Group D soils have very slow infiltration rates even when thoroughly wetted and have high runoff potential. It also references sub-fill drains and other drainage features to manage roadway construction across existing drainageways.

The geotechnical materials identify moderate to steep slopes, several drainages, cuts and fills, and geologic mapping indicating potential risk for landslides and debris flow. The proposed road segment is described as crossing several drainages, with anticipated cuts and fills. These conditions are precisely why access redundancy matters. A roadway across steep, drainage-sensitive, expansive, or landslide-susceptible terrain is a less reliable sole access corridor than a conventional urban street grid.

The City should require independent geotechnical peer review of the full development and roadway system, including cumulative effects of grading, irrigation, stormwater concentration, utility trenches, retaining walls, subdrains, long-term maintenance, post-fire runoff, and slope performance over time. The review should not be limited to whether individual engineered components can be made to work at initial construction. It should address whether the entire hillside infrastructure system remains stable, maintainable, and resilient over decades.

IX. The Proposal Improperly Defers Critical Decisions to Future Processes

The Sub-Area Plan repeatedly states that key locations, design details, access points, parks, trails, amenities, and roadway components are conceptual, illustrative, subject to change, or to be finalized during later Preliminary Plan, Final Plat, or Site Improvement Plan processes. Deferral is appropriate for minor implementation details. It is not appropriate for issues that determine whether the project is safe, feasible, visually compatible, and consistent with the PDDs.

Critical questions cannot be postponed until after the City has effectively committed itself to the project framework. These include: whether a second permanent public access road is required; whether evacuation works if the primary corridor is blocked; whether the southern access should be full-time; whether the roadway system is resilient under wildfire conditions; whether ridgeline impacts are acceptable; whether drainage systems will remain maintainable; whether retaining walls and grading are consistent with natural landform preservation; and whether the cumulative project impacts remain compatible with the Bluffs open-space character.

The City should not approve a conceptual framework that leaves the most important life-safety and impact questions unresolved. Approval should wait until the applicant provides final, integrated, and independently reviewed analyses of access, evacuation, traffic, visual impact, drainage, wildfire, geotechnical stability, and long-term maintenance.

X. Traffic, Hospital Access, and Regional Circulation Must Be Evaluated Cumulatively

The access issue is not confined to Hillcamp residents. The Cabela Drive / Hillcamp Trail extension would connect into a regional transportation system already serving RidgeGate, I-25, Lincoln Avenue, C-470 access, nearby neighborhoods, open-space users, and the Sky Ridge medical corridor. The City should evaluate not merely average daily traffic, but failure conditions, peak evacuation, emergency response, and hospital-access reliability.

A development that depends on a single primary corridor can convert local traffic congestion into a public-safety problem. If the same corridor must handle Hillcamp residents leaving, emergency apparatus entering, service vehicles operating, and regional traffic near medical facilities, the City should require a higher level of proof than ordinary subdivision traffic modeling. A second full-time southern public access would reduce concentration of risk and provide meaningful redundancy.

XI. Long-Term Maintenance and Public Liability Are Not Adequately Resolved

The applicant's concept depends on long-term performance of drainage facilities, retaining walls, revegetation, wildfire mitigation, utility systems, private HOA controls, metropolitan district infrastructure, and maintenance-sensitive open-space improvements. The City's 2020 RidgeGate parks/open-space transfer materials are instructive because they expressly recognized the need to define who maintains drainage structures, detention ponds, retaining walls, enhanced planting areas, stone facades, utilities, lighting, and other improvements. That same concern is magnified here.

Approval should not occur without enforceable long-term maintenance obligations, reserve funding, inspection rights, replacement schedules, and default remedies. The City should require a recorded maintenance and funding plan for all drainage, wildfire mitigation, slope stabilization, retaining-wall, access-gate, open-space, trail, and roadway systems. The plan should identify who pays, who inspects, who enforces, what happens upon HOA or district default, and what remedies exist before public infrastructure or neighboring properties are affected.

XII. Application-Specific Objections

A. RG24-0007 - Sub-Area Plan. The Sub-Area Plan should not be approved because it establishes a deficient governing framework. It normalizes single-primary-access dependency, defers critical details, relies on emergency-only access rather than true redundancy, and uses broad aspirational language about open space and natural integration without establishing adequate enforceable performance standards. The SAP must be revised to require a second permanent full-time southern public access road and to include cross-dependency language tying all four Hillcamp applications together.

B. SB25-0010 - RidgeGate Rural Residential Preliminary Plan. The RidgeGate Rural Residential Preliminary Plan should not be approved because the proposed 261 residential lots depend on an access and evacuation framework that is not sufficiently redundant. The plan should be continued until the applicant demonstrates that the proposed density can be safely served by two full-time public access routes, not one primary road plus emergency-only gates.

C. SB25-0009 - Southridge Preserve Preliminary Plan. The Southridge Preserve Preliminary Plan should not be approved because its 82 residential lots are part of the same integrated Hillcamp development and rely on the same deficient circulation, wildfire, visual, and open-space framework. This application also directly implicates the Bluffs, public trail experience, ridgetop setbacks, wildlife corridors, and visual sensitivity. The City should require independent viewshed, wildfire, evacuation, and geotechnical review before approval.

D. SB25-0014 - Final Plat / Cabela Drive-Hillcamp Trail Extension. This is the gatekeeper application. If the Cabela Drive / Hillcamp Trail extension is not approved as proposed, the remaining applications cannot proceed as designed. Conversely, if the City approves this final plat without requiring a second full-time southern public access road, it will lock the entire development into a single-primary-access pattern. The final plat should be denied or continued unless and until the applicant provides a circulation framework with two permanent, full-time, public access corridors.

XIII. Required Conditions if the City Declines to Deny the Applications

If the City does not deny the applications outright, the following minimum conditions should be imposed before any approval becomes effective:

1. Cross-dependent approval condition. The four applications must be treated as mutually dependent. Denial, withdrawal, material modification, or infeasibility of any one application must require reconsideration of the others.

2. Second full-time southern access. A second permanent, paved, public, full-time southern access road must be required before approval of any residential Preliminary Plan or final access plat. Emergency-only gated access is not sufficient.

3. Independent evacuation modeling. The applicant must provide evacuation modeling for wildfire, winter, nighttime, smoke, high-wind, blocked-primary-road, and simultaneous emergency ingress/egress scenarios.

4. Independent geotechnical peer review. The City should retain independent geotechnical reviewers at applicant expense to evaluate slope stability, drainage concentration, retaining walls, fill, subdrains, groundwater, irrigation effects, post-fire runoff, and long-term performance.

5. Independent viewshed analysis. The applicant must provide visual simulations and story-poling or equivalent analysis from Bluffs Regional Park, the East-West Regional Trail, RidgeGate neighborhoods, City-wide public viewpoints, and other affected public vantage points, not merely developer-selected viewpoints.

6. Long-term maintenance and funding plan. Approval must require recorded maintenance obligations, reserve funding, inspection rights, enforcement remedies, and default procedures for all private, HOA, district, and developer-maintained infrastructure.

7. Drainage and post-fire hydrology review. The applicant must evaluate major storm events, debris flow, sedimentation, drainageway alteration, and post-fire runoff under conservative assumptions.

8. Density and grading reduction trigger. If the applicant cannot provide a second full-time access road or cannot demonstrate adequate slope and evacuation resilience, density and grading intensity must be reduced accordingly.

9. No reliance on future discretionary deferral for core safety issues. Access, evacuation, wildfire, drainage, slope, and visual-impact issues must be resolved before, not after, approval of the governing framework.

XIV. Conclusion

The Hillcamp proposal is not an ordinary subdivision. It is one of the final major development decisions affecting the RidgeGate west-side upland landscape, the Bluffs viewshed, the East-West Regional Trail experience, and the long-term edge condition between Lone Tree's urban development and its open-space identity. Once approved and built, the transformation will be permanent.

The applicant has not met the burden necessary for approval of the current proposal. The applications are overdependent on a single full-time access corridor, improperly segmented despite functional interdependence, excessively reliant on deferred future approvals, and insufficiently protective of wildfire evacuation, geotechnical stability, drainage resilience, viewshed integrity, and long-term public safety.

The City should deny the applications as currently proposed. At minimum, the City should continue the applications and require a comprehensive redesign that includes a second permanent, paved, full-time public southern access road and express cross-dependent treatment of all four applications.

This decision will determine not only whether Hillcamp is built, but whether it is built safely, responsibly, and consistently with the City's stated values regarding open space, ridgeline protection, and long-term community resilience. The City should not accept avoidable risk where a safer, more resilient alternative - a true second full-time access corridor - is both identifiable and necessary.

Source Record Relied Upon

City of Lone Tree Study Session Agenda, August 4, 2020, RidgeGate Parks & Open Space Property Transfer: City staff identified RidgeGate/Cossington Open Space transfer benefits, including open-space preservation and access to Xcel undergrounding funds to underground power lines on top of the Bluffs visible from town.

Hillcamp Sub-Area Plan and Design Guidelines, March 27, 2026 resubmittal: Describes Hillcamp as approximately 392 acres, a cohesive community across RGPD and SPPD, and identifies Cabela Drive / Hillcamp Trail as the primary access with McArthur and North Heather as emergency-only access points.

Hillcamp Sub-Area Plan, Figures 3 and 4: Shows conceptual open-space/trail and circulation framework with primary access and two emergency-access connections; states the figures are conceptual, illustrative, and subject to change.

Hillcamp Community Response Letter, March 27, 2026: Confirms Hillcamp Trail as primary public access and states the McArthur and Heather connections are strictly emergency only, gated, not open to general public vehicular traffic, with the western connection much steeper than public roadway criteria.

Hillcamp Drive Drainage Report: Identifies Hydrologic Group C and D soils, low infiltration, high runoff potential, drainageway modifications, and reliance on engineered drainage systems.

Hillcamp Drive Preliminary Geotechnical Investigation: Identifies moderate to steep slopes, drainages, potential landslide and debris flow risk, roadway cuts and fills, and groundwater variability.



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May 9, 2026

City of Lone Tree

Planning Department, Planning Commission, and City Council

9220 Kimmer Drive, Suite 100

Lone Tree, CO 80124

RE: Public Comment - Second Referral Period - Hillcamp Sub-Area Plan (Application RG24-0007)

Adoption of the Hillcamp Sub-Area Plan should be deferred until the underlying access alignment, geotechnical work, and fire-access standards are resolved.

Dear Planning Commission, City Council, and Lone Tree Planning Staff:

I am writing as a Lone Tree resident at 10794 Bluffside Drive to oppose adoption of the Hillcamp Sub-Area Plan as currently proposed. The Sub-Area Plan is the framework that will shape every later application for this part of Lone Tree. Once it is adopted, the road network, land use, open-space configuration, and design standards it contains will be very difficult to undo. For that reason, the Sub-Area Plan should not be adopted while the foundational decisions it depends on remain unresolved.

1. The Sub-Area Plan is built on a road alignment that has not been approved and has not been shown to be safe.

The Sub-Area Plan assumes that primary access to the entire Hillcamp area will be provided by extending Cabela Drive as a new "Hillcamp Drive." That access is the subject of a separate application (Final Plat for Hillcamp Trail Filing No. 1) that has not been approved, has been flagged by the Colorado Geological Survey as not yet supported by adequate geotechnical

analysis, and has been flagged by South Metro Fire Rescue as not meeting fire apparatus access standards for a 343-home subdivision. Adopting a framework that pre-supposes a road the State and the regional fire authority have not signed off on puts the framework ahead of the safety analysis. That is the wrong order of operations.

2. The Sub-Area Plan replaces a long-established alignment with a new one the City has never adopted.

Earlier planning frameworks for this area, including the RidgeGate 7th Amendment Planned Development District and prior PDD documents going back to 2000, have consistently identified primary access points elsewhere - including connections near Surrey Ridge Road. The Hillcamp Drive alignment is a new alignment proposed by the developer. The Sub-Area Plan should conform to the planning framework the City has used to guide this area for 25 years, rather than enshrine a developer-proposed alignment that has not been previously approved by the Council.

3. The Sub-Area Plan's treatment of "open space" does not match the priorities Lone Tree residents have expressed.

In the City's 2020 survey, 89% of respondents said that open space is "very important" to them. The Sub-Area Plan labels significant acreage as open space, but a careful read of the Preliminary Plans shows that much of that labeled open space functions as internal subdivision land - drainage tracts, slope buffers, and lots-adjacent green spaces - rather than as publicly accessible bluff and trail land. The framework should distinguish clearly between truly public, publicly accessible open space and internal subdivision tracts, and it should commit to preserving the bluff edge and East/West Trail corridor that residents have repeatedly identified as a defining feature of Lone Tree.

4. The Sub-Area Plan treats the 2000 vote as a mandate it was not.

To the extent that the Sub-Area Plan rests on the premise that Lone Tree voters "approved" development of the bluffs in 2000, that premise overstates what voters were asked. The 2000 ballot question, implemented through Ordinance Nos. 00-05 through 00-08, authorized annexation of the RidgeGate property and the City's local zoning control over it. It did not approve any specific number of homes, any specific density, any specific road alignment, or development of the bluffs in particular. The vote passed by a margin of roughly 218 votes out of 1,430 cast in a city of fewer than 5,000 residents, and certified election records reflect that thousands of ballots were not delivered to electors. Today's Lone Tree of roughly 15,000 residents was not the Lone Tree that voted on annexation. The Sub-Area Plan should be considered on its present-day merits, in front of today's elected officials, rather than as the automatic inheritance of a 26-year-old annexation question.

5. Independent agencies have flagged framework-level concerns that have not been resolved in the resubmittal.

The first round of public referral generated formal comment letters from the Colorado Geological Survey (Jan 30, 2026), South Metro Fire Rescue, Colorado Parks and Wildlife (Jan 19, 2026), and Douglas County Open Space and Natural Resources (Feb 10, 2026), as well as four separate City technical review letters. None of those letters were resolved by the resubmittal; the same fundamental issues remain. A framework adopted now would lock in those unresolved issues.

My ask on this application.

- Do not adopt the Hillcamp Sub-Area Plan as currently proposed.
- Defer Sub-Area Plan adoption until the Final Plat for Hillcamp Trail Filing No. 1 has been independently demonstrated to be safe and consistent with the existing PDD framework, and until the CGS, South Metro Fire Rescue, CPW, and Douglas County Open Space comments have been substantively resolved on the record.
- Require the Sub-Area Plan to conform to the access alignment in the RidgeGate 7th Amendment PDD and earlier planning documents, rather than the developer's proposed Hillcamp Drive alignment.
- Require the Sub-Area Plan to distinguish clearly between truly public open space and internal subdivision tracts, and to commit to permanent preservation of the bluff edge and East/West Trail corridor.

Thank you for the opportunity to comment. I have submitted separate comments addressed to each of the four Hillcamp applications in this referral period, because each presents its own decision and each must be evaluated on its own merits. I appreciate the careful work the City's staff and the referral agencies have already done, and I am asking the Council and Commission to honor that work by declining to advance any of the four applications until the foundational access and safety questions are resolved.

Respectfully,

Andrew Lukes

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2nd Comment period – Letter in Response to Technical Memorandum from the Builder on Hillcamp Trail

4/16/26

To the Lone Tree Planning Commission and City Council,

This letter is submitted in response to the analysis of the Technical Memorandum (prepared by the builder) regarding the violation of the PDD and the characterization of the road as having received "general approval" from the City of Lone Tree.

Respectfully, the concept of "general approval" is not applicable to a matter of this magnitude. The approval of a roadway, particularly one that alters established access and impacts existing neighborhood requires clear, formal, and documented City action and an amendment to the PDD. This situation does not reflect a minor refinement or administrative adjustment to the PDD. Rather, it constitutes a substantive change: the removal of the originally approved Surrey Ridge access route and its replacement with a new alignment through an entirely different neighborhood, without evidence of formal approval consistent with the governing PDD process.

Reliance on buried disclosures in closing documents or isolated signage does not constitute meaningful notice to residents. These methods do not meet the standard of transparent public process expected for infrastructure changes that materially impact neighborhoods. In fact, Retreat residents contacted the City of Lone Tree Planning Department and reviewed all publicly available planning documents. There were **no** documented approved plans for a development road adjacent to Retreat community and we were told that any such approvals would be publicly accessible. (That is why "general approval" is meaningless).

Let me briefly set the scene for you:

While we were living our lives, raising our children, going to work, and contributing to this community, the developer was quietly laying the groundwork to change the rules.

Beginning in 2017, they engineered an access route that was never part of the approved PDD. By 2018, they were recording easements. By 2019, securing right-of-way. By 2020, obtaining a perpetual easement over open space.

We had no idea any of this was happening. No one knocked on our doors. No one explained what was coming our way. Over eight years, the developer methodically and quietly built a case to replace the approved Surrey Ridge access route with one that serves their interests.

Now, they present at 1st glance, what appears to be a polished technical memorandum, but heavily manipulated and biased, with seven alternatives and claim Hillcamp is the "only viable option." But it is the "only option" because they made it so! They spent nearly a decade refining their preferred alternative, while giving the legally required Surrey Ridge route minimal consideration. This is not objective analysis—it is a **predetermined outcome.**

Today, we are asking the City to do what it is supposed to do: protect its citizens.

There are two sides here with fundamentally different interests. On one side are resident, families, neighbors, and taxpayers who chose to make Lone Tree their home. On the other side is a developer whose job is to get their project built in any way possible to maximize profits.

That is precisely why the City must serve as the safeguard between a developer's ambitions and the residents who live with the consequences.

We are not engineers, land-use attorneys, or developers with years of strategy and consultants. We are residents, your constituents, who trusted that when a PDD specifies an access road through Surrey Ridge, that commitment would be honored.

If a developer can spend years working around a PDD requirement and ultimately gain approval to deviate from it, then what is the purpose of the PDD? If the PDD has no value then could we offer the developer a piece of land in a totally different location?

Importantly, the developer's own data shows that the Surrey Ridge alignment meets all City and Fire Department criteria and does so with the lowest grade of all alternatives. The approved route works. Their own numbers confirm it.

The developer's job is to advocate for themselves. The City's job is to advocate for its residents.

We are asking you to uphold the integrity of the PDD and follow the approved Surrey Ridge access. If the PDD is to be amended, there needs to public support for such a change. Please ensure that the rules mean something, not just for this project, but for every resident who depends on them.

We chose Lone Tree. We are asking Lone Tree to choose us.

Thank you,
Candice and Fein

My family and I have been long time residents of Lone Tree. I am asking the Council and Commission to deny this application as currently proposed. Of all four Hillcamp applications, this is the one I worry about most, and I want to explain why.

This is the application that decides how 343 families would have to leave the mesa in a fire.

I have read the City's own 2025 Community Wildfire Protection Plan. It says, in plain language, that wildfire risk is driven by four things: wind, topography, fuel continuity, and access limitations. Anyone who has stood on these bluffs in a Front Range windstorm knows the first three are not academic. The mesa is wind-exposed grass and Gambel oak. A wind-driven grass fire here can travel at roughly 20% of wind speed - a 60-mile-an-hour gust pushes a fire faster than any of us can drive a child off that mesa on a single-lane road. The City cannot pretend that adding several hundred more households to a single primary access is just a design detail. It is the difference between a manageable evacuation and a catastrophic one.

And the burden does not stop at the new houses. A fire that starts on, or sweeps through, that mesa moves downslope, into the neighborhoods we live in now - The Retreat, North Sky, Montecito, Bluffmont Estates - and into the rural communities of Surrey Ridge and McArthur Ranch, who are not on city hydrants and who have to truck water in. South Metro Fire Rescue itself flagged the secondary evacuation routes as a serious problem, because those routes depend on roads in unincorporated Douglas County that the City of Lone Tree does not control.

The State's geologists have told the City the road, as drawn, is not ready for approval.

In their January 30, 2026 referral letter, the Colorado Geological Survey concluded - in formal, careful language - that the geotechnical investigation submitted for the Hillcamp Drive extension is not sufficient to show that the road can be built and maintained safely across the mapped landslide terrain, unstable slopes, and debris-flow channels on this site. They specifically noted that this is the sole access for 343 homes. When the State's own technical reviewers say the safety work has not been done, the answer is not to approve the plat anyway and hope. The answer is to wait for the work to be done.

This road is not the road the City has been planning for.

The Cabela Drive / Hillcamp Drive alignment is not the alignment that the RidgeGate 7th Amendment Planned Development District identified for this part of Lone Tree, and it is not the alignment earlier planning documents going back to 2000 identified, either. Those frameworks identified primary access at locations including connections near Surrey Ridge Road. The plan that has guided this area for the past 25 years should not be set aside by a single Final Plat because a developer prefers a different alignment.

Once this plat is approved, the City and the County are committed for decades.

If this Final Plat is approved as proposed, the City of Lone Tree will be responsible for maintaining a public road across the kind of terrain the Colorado Geological Survey has called inadequately characterized. The City and Douglas County will both carry the long-term maintenance burden of the associated pedestrian bridge. Those are decades-long obligations to taxpayers, taken on for a developer's convenience, before the underlying safety analysis is complete. Future councils and commissions, and future taxpayers, will not have the option to revisit the decision once the road is in the ground.

The road would cut through existing open space and habitat that cannot be put back.

The extension of Cabela Drive would run through a vegetated canyon and through open ground that deer, raptors, coyotes, and other wildlife use today. It would also compromise a portion of the Douglas County East/West Trail corridor - a public asset that is part of why my husband and I, and many of our neighbors, live where we do. Colorado Parks and Wildlife and Douglas County Open Space have raised concerns on the record. Once the road is cut, that corridor is gone, even if some future Council later regrets the decision.

Cabela Drive would change, permanently, from a quiet residential street into a primary subdivision entrance.

Families on the corridor today, including ours, made decisions about where to raise children and welcome grandchildren based on what the street is now. A 343-home subdivision entrance changes the volume of traffic, the speeds, the sight lines, and the way a child can ride a bike to a friend's house. Those changes do not get unmade.

The 2000 vote did not pre-approve this road.

If you hear, in the course of these hearings, that Lone Tree voters "approved" this road in 2000, that overstates what voters were asked. The 2000 ballot question authorized annexation and local zoning control over the RidgeGate property. It did not approve a specific road alignment or a specific density. The vote passed by roughly 218 votes out of 1,430 cast in a city of fewer than 5,000 residents, and the certified election records reflect that thousands of ballots were never delivered. Whatever the 2000 vote did, it did not pre-approve this Final Plat.

My request.

- Please deny the Final Plat for Hillcamp Trail Filing No. 1 as currently proposed.
- Please require complete, design-level geotechnical, slope-stability, and drainage work, accepted on the record by the Colorado Geological Survey, before any access alignment is finalized.
- Please require South Metro Fire Rescue to formally accept apparatus access widths, dead-end lengths, road grades, and evacuation capacity for the density actually proposed, before any access alignment is finalized.
- Please require any future access plan to match the alignment in the RidgeGate 7th Amendment PDD and earlier planning documents.
- Please require legally secured secondary emergency access wholly within the City of Lone Tree's jurisdiction. Our families should not be relying, in a fire, on roads another county can close, narrow, or repurpose at any time.

Thank you for taking the time to read this. I have submitted separate comments to each of the four Hillcamp applications, because the decisions in front of you are not really one decision. They are four decisions, and each of them matters in its own way to those of us who live and walk and worry along these bluffs.

With deep concern, and with gratitude for your service,

Tracy Lukes

10794 Bluffside Drive, Lone Tree, CO 80124

tracy@lukes.cc

2nd Comment period – Letter in Response to Technical Memorandum from the Builder on Hillcamp Trail

4/16/26

To the Lone Tree Planning Commission and City Council,

This letter is submitted in response to the analysis of the Technical Memorandum (prepared by the builder) regarding the violation of the Ridgegate/Hillcamp Planned Development District (PDD) and the characterization of the road as having received "general approval" from the City of Lone Tree.

Respectfully, the concept of "general approval" is not applicable to a matter of this magnitude. The approval of a roadway, particularly one that alters established access and impacts existing neighborhood requires clear, formal, and documented City action and an amendment to the PDD. This situation does not reflect a minor refinement or administrative adjustment to the PDD. Rather, it constitutes a substantive change: the removal of the originally approved Surrey Ridge access route and its replacement with a new alignment through an entirely different neighborhood, without evidence of formal approval consistent with the governing PDD process.

Reliance on buried disclosures in closing documents or isolated signage does not constitute meaningful notice to residents. These methods do not meet the standard of transparent public process expected for infrastructure changes that materially impact neighborhoods. In fact, Retreat residents contacted the City of Lone Tree Planning Department and reviewed all publicly available planning documents. There were **no** documented approved plans for a development road adjacent to Retreat community and we were told that any such approvals would be publicly accessible. (That is why "general approval" is meaningless).

Let me briefly set the scene for you:

While we were living our lives, raising our children, going to work, and contributing to this community, the developer was quietly laying the groundwork to change the rules.

Beginning in 2017, they engineered an access route that was never part of the approved PDD. By 2018, they were recording easements. By 2019, securing right-of-way. By 2020, obtaining a perpetual easement over open space.

We had no idea any of this was happening. No one knocked on our doors. No one explained what was coming our way. Over eight years, the developer methodically and quietly built a case to replace the approved Surrey Ridge access route with one that serves their interests.

Now, they present at 1st glance, what appears to be a polished technical memorandum, but heavily manipulated and biased, with seven alternatives and claim Hillcamp is the "only viable option." But it is the "only option" because they made it so! They spent nearly a decade refining their preferred alternative, while giving the legally required Surrey Ridge route minimal consideration. This is not objective analysis—it is a **predetermined outcome.**

Today, we are asking the City to do what it is supposed to do: protect its citizens.

There are two sides here with fundamentally different interests. On one side are resident, families, neighbors, and taxpayers who chose to make Lone Tree their home. On the other side is a developer whose job is to get their project built in any way possible to maximize profits.

That is precisely why the City must serve as the safeguard between a developer's ambitions and the residents who live with the consequences.

We are not engineers, land-use attorneys, or developers with years of strategy and consultants. We are residents, your constituents, who trusted that when a PDD specifies an access road through Surrey Ridge, that commitment would be honored.

If a developer can spend years working around a PDD requirement and ultimately gain approval to deviate from it, then what is the purpose of the PDD? If the PDD has no value then could we offer the developer a piece of land in a totally different location?

Importantly, the developer's own data shows that the Surrey Ridge alignment meets all City and Fire Department criteria and does so with the lowest grade of all alternatives. The approved route works. Their own numbers confirm it.

The developer's job is to advocate for themselves. The City's job is to advocate for its residents.

We are asking you to uphold the integrity of the PDD and follow the approved Surrey Ridge access. If the PDD is to be amended, there needs to public support for such a change. Please ensure that the rules mean something, not just for this project, but for every resident who depends on them.

We chose Lone Tree. We are asking Lone Tree to choose us.

Thank you,
Candice and Fein

Opposition to Plat Application SB25-0014 — Hillcamp Trail Extension Roadway Alignment Reference: Technical Memorandum by JR Engineering, dated November 20, 2025

Dear Members of the City of Lone Tree Planning Division,

I am writing to formally express my opposition to Plat Application SB25-0014 and the proposed Hillcamp Trail Extension roadway alignment (Alternative 1) as presented in the Technical Memorandum prepared by JR Engineering (Kevin Rohrbough, PE) dated November 20, 2025.

The developer's memo advocates for a roadway alignment that **departs from the access route established in the RidgeGate Planned Development District 7th Amendment**, which designates the Surrey Ridge alignment as the planned access corridor. After a thorough review of the memo and the alternatives analysis contained therein, I respectfully submit that the developer's analysis is **fundamentally flawed, inequitably conducted, and fails to justify abandoning the legally binding planned route.**

I. THE RIDGEGATE PD DISTRICT 7TH AMENDMENT REQUIRES SURREY RIDGE ACCESS

The RidgeGate Planned Development District 7th Amendment identifies the Surrey Ridge alignment as the designated access route for this development. The developer's own memo acknowledges this, stating that Alternative 6 (Orange Line) is "Identified in the RidgeGate PD District, 7th Amendment" and that Alternative 7 (Red Line) is likewise "Identified in the RidgeGate PD District, 7th Amendment”

The developer seeks to replace this binding requirement with Alternative 1 — the Hillcamp Trail (Green Line) — a **4,077 linear-foot route** that runs through an entirely different corridor via Cabela Drive, through and adjacent to The Retreat at RidgeGate subdivision.

The memo attempts to justify this departure by noting that "Major Circulation Elements are conceptual in nature and subject to modification and refinement." However, there is a significant difference between **refinement within a designated corridor** and **complete abandonment of the corridor** in favor of an entirely different route. The PD 7th Amendment contemplates modifications to the alignment within the Surrey Ridge corridor — not replacement with a route through a different neighborhood entirely.

II. THE DEVELOPER'S OWN DATA PROVES THE SURREY RIDGE ROUTE IS VIABLE

The most critical flaw in the developer's analysis is that **their own summary table demonstrates Alternative 7 (the engineered Surrey Ridge alignment) meets all criteria**.

Alternative	Length (LF)	Max Grade	Meets Full Access Criteria	Meets Emergency Ac
Alt 1 (Hillcamp)	4,077	6.0%	Yes	Yes

Alternative	Length (LF)	Max Grade	Meets Full Access Criteria	Meets Emergency Ac
Alt 7 (Surrey Ridge)	3,717	**4.7%**	**Yes**	**Yes**

Alternative 7:

- Has a **lower grade (4.7%)** than Alternative 1 (6.0%) — making it the gentlest slope of all seven alternatives 14-Hillcamp-Drive-Alternative-Access-Memo.pdfMore details about 14-Hillcamp-Drive-Alternative-Access-Memo.pdf
- Is **shorter (3,717 LF)** than Alternative 1 (4,077 LF) — requiring less total roadway construction
- **Meets all City and Fire Department access criteria** — identical to Alternative 1 14-Hillcamp-Drive-Alternative-Access-Memo.pdfMore details about 14-Hillcamp-Drive-Alternative-Access-Memo.pdf
- **Meets all emergency access criteria** — identical to Alternative 1
- **Is the route identified in the RidgeGate PD District, 7th Amendment** — the legally planned corridor

If the developer's own engineering analysis confirms that Alternative 7 satisfies every technical and safety criterion, the City should require a compelling and legally sufficient justification for abandoning this route — a justification that, as I detail below, the memo fails to provide.

III. THE ALTERNATIVES ANALYSIS IS FUNDAMENTALLY INEQUITABLE

The memo presents seven alternatives, but the analysis is **profoundly uneven**. Alternative 1 received approximately **eight years of coordinated planning, engineering refinement, and investment** (2017–2025),

- **April–May 2017:** Preliminary alignment and typical section developed by Merrick & Company with the City's Public Works and Planning staff
- **2018:** Temporary Construction Easements (Rec. No. 2018035185) and Drainage Easements (Rec. No. 2018045617) secured from The Retreat at RidgeGate, LLC
- **2019:** Century Communities amended the RidgeGate Section 22, Filing No. 1 plat (Rec. No. 2019001939) to dedicate additional Right-of-Way
- **2020:** RidgeGate Investments, Inc. (RGI) retained a perpetual, non-exclusive, divisible, and assignable easement (Rec. No. 2020069125) over West Open Space conveyance property
- **Ongoing:** On-site field staking, 3D modeling, geotechnical studies with borings, slope stability analysis, iterative design refinement, strategic retaining wall placement, landscape screening design, and enhanced retaining wall material selection (Rosetta Stone)

No comparable engineering effort was applied to any other alternative. Alternatives 2–6 appear to have been evaluated only at a cursory, conceptual level. This creates an inherently biased comparison: a

route that has been refined for eight years will inevitably appear superior to routes that were evaluated on paper without refinement.

This is the equivalent of comparing a finished, polished product to rough sketches and then concluding the finished product is better. The question the City should ask is: **what would Alternative 7 look like if it had received the same eight years of engineering investment?**

IV. ALTERNATIVES 2–5 ARE STRAW MEN

A careful review reveals that Alternatives 2–5 appear to have been included to inflate the number of "failed" options and create the appearance of a thorough analysis, when in fact they are not credible alternatives:

Alternative 2 — Retreat HOA Alignment (Magenta Line)

1,708 LF | 8.0% Grade

This is a **neighborhood suggestion** from the Retreat HOA that follows "an old ranch access road that historically provided steep access to flat grazing land." It was never professionally designed as a roadway alignment. Including a community suggestion alongside engineered alternatives creates a false equivalency. No engineering refinements (switchbacks, extended alignment, retaining walls) were explored to bring this route within acceptable parameters — solutions that were extensively applied to Alternative 1.

Alternative 3 — Purple Line

1,179 LF | 11.9% Grade

At only 1,179 linear feet, this is the **shortest alternative by a wide margin** — nearly 3.5 times shorter than Alternative 1. At 11.9% grade, it was predetermined to fail slope requirements. It does not meet even emergency access criteria. No engineering modifications were attempted to extend or refine this route. This alternative appears to have been deliberately drawn in its most unfavorable configuration.

Alternative 4 — Light Blue Line

1,240 LF | 12.6% Grade

The **steepest alternative** at 12.6% and uses **virtually identical dismissal language** as Alternative 3. Like Alternative 3, it fails even emergency access criteria. No engineering effort was applied. These two alternatives together appear to exist solely to demonstrate that "multiple alternatives were considered and rejected."

Alternative 5 — Dark Blue Line (Cabela Shopping Center)

1,805 LF | 8.9% Grade

The developer dismisses this because it "does not connect to a public right-of-way" and crosses "adjacent private property." Yet the developer **overcame identical challenges for Alternative 1** by

spending years securing private easements, temporary construction easements, drainage easements, and ROW dedications from private entities. **The developer cannot credibly argue that private property access is an insurmountable barrier for Alternative 5 while simultaneously having navigated that exact barrier for Alternative 1.** This alternative meets emergency access criteria per the developer's own table.

V. THE DEVELOPER'S ARGUMENTS AGAINST SURREY RIDGE (ALT 6 & 7) DO NOT WITHSTAND SCRUTINY

A. Alternative 6 Is a Straw Man Version of the Surrey Ridge Route

Alternative 6 is presented as the Surrey Ridge alignment at **1,786 LF with a 9.8% grade** — too short and too steep to meet full access criteria. However, the developer's own Alternative 7 demonstrates that **when the Surrey Ridge alignment is properly engineered to adequate length (3,717 LF), the grade drops to 4.7%** — the lowest of all alternatives.

Including both Alternative 6 (the unengineered failure) and Alternative 7 (the engineered success) appears designed to create the impression that "we tried two versions of Surrey Ridge and both have problems" — when in reality, Alternative 7 meets every technical criterion.

B. Wildlife Concerns Are Selectively Applied

The developer claims the Surrey Ridge route should be "avoided to preserve wildlife access to Happy Canyon Creek and the regional underpasses." Yet Alternative 1 also requires significant grading and disturbance along the same hillside ecosystem. The developer notes the alignment for Alternative 1 was "carefully modified to avoid dense scrub oak stands"— acknowledging that scrub oak exists along that route as well. The developer also notes approximately **~15.1 acres of scrub oak disturbance** associated with the Surrey Ridge alternatives. but **does not provide a comparable disturbance acreage figure for Alternative 1**, making a fair environmental comparison impossible.

Additionally, the developer states that "wildlife reports indicate greater movement to the east, toward Happy Canyon Creek, rather than north toward existing development." This statement actually **undermines** the argument against Alternative 7, because if wildlife is moving east rather than north, then a Surrey Ridge route coming from the south would have a different impact profile than the developer suggests.

C. Emergency Access via the Underpass Is Functional

The developer claims "significant emergency access concerns with connection to rural local roadway section to the south and single lane underpass to the north."

However:

- The I-25 underpass **exists and functions today**
- It was in existence when the **PD 7th Amendment was approved** with the Surrey Ridge access route
- If it was deemed sufficient for the planned development at that time, the burden is on the developer to demonstrate what has **materially changed**

- Alternative 7 **meets emergency access criteria** per the developer's own summary

D. Substandard Surrey Ridge Road Can Be Improved

The developer claims "Surrey Ridge Road is an existing local road with substandard roadway design criteria. Roads are routinely improved and upgraded as part of development requirements. The developer is proposing to build **4,077 linear feet of entirely new roadway** for Alternative 1, including extensive retaining walls, grading, geotechnical work, and infrastructure. Improving an existing road is arguably **less impactful and less costly** than constructing an entirely new one.

E. Visual Impact Arguments Apply Equally to Alternative 1

The developer claims Alternative 7 will have "significant environmental and visual impacts to the 'bluffs-cliffs' from Interstate 25." Yet Alternative 1 requires extensive retaining walls (requiring enhanced Rosetta Stone materials to "blend into the natural environment"), landscape screening, berming, and results in a roadway positioned "approximately 50-feet above the Retreat homes Visual impact is a concern for **both** routes — it is not a valid differentiator that uniquely disqualifies the Surrey Ridge alignment.

VI. THE MEMO'S PURPOSE STATEMENT REVEALS THE BIAS

The memo's stated purpose is telling. It states: "This technical narrative **supports the Hillcamp Trail roadway extension plat application** by demonstrating how the selected roadway alignment has been thoroughly vetted and determined to be the least impactful option."

This is not an objective analysis of all alternatives. **By the memo's own admission, it was written to support a predetermined conclusion.** The purpose is to justify Alternative 1, not to objectively determine the best route. An objective analysis would have applied comparable engineering effort to all alternatives before reaching a conclusion.

VII. QUESTIONS THE CITY SHOULD REQUIRE THE DEVELOPER TO ANSWER

Before approving any departure from the PD 7th Amendment, I respectfully request that the City require the developer to address the following:

1. **Why was eight years of engineering refinement applied exclusively to Alternative 1 and not to the legally required Surrey Ridge alignment?**
2. **What would the Surrey Ridge alignment (Alternative 7) look like if it received the same level of engineering investment** — including field staking, 3D modeling, geotechnical studies, retaining walls, and iterative design refinement?
3. **What is the total scrub oak disturbance acreage for Alternative 1?** The memo provides ~15.1 acres for the Surrey Ridge alternatives but conspicuously omits this figure for Alternative 1.

4. **What specific, material changes have occurred since the PD 7th Amendment was approved** that render the Surrey Ridge route infeasible — given that Alternative 7 meets all criteria per the developer's own data?
5. **Why should the developer be permitted to abandon a binding PD requirement** when their own analysis demonstrates a viable engineered solution (Alternative 7) exists within the required corridor?
6. **What independent, third-party analysis has been conducted** of the Surrey Ridge alignment? The current memo was prepared by JR Engineering on behalf of the developer and, by its own stated purpose, was written to support the Hillcamp Trail application.
7. **Were the easements secured between 2017–2020 for the Hillcamp corridor obtained in anticipation of abandoning the PD 7th Amendment Surrey Ridge requirement?** If so, this suggests a predetermined outcome rather than a good-faith engineering analysis.

VIII. CONCLUSION AND REQUEST

The developer's Technical Memorandum, while detailed in its advocacy for Alternative 1, fails to provide a legitimate, unbiased basis for abandoning the Surrey Ridge access route required by the RidgeGate Planned Development District 7th Amendment. The developer's own data demonstrates that Alternative 7 — the engineered Surrey Ridge alignment — **meets all City and Fire Department criteria, has the lowest grade of all alternatives, and is shorter than Alternative 1**.

The alternatives analysis is inequitable, with Alternative 1 receiving years of refinement while all other alternatives were evaluated at a cursory level. Alternatives 2–5 appear to function as straw men, and the arguments against the Surrey Ridge route (Alternatives 6 and 7) are either selectively applied, equally applicable to Alternative 1, or contradicted by the developer's own data.

I respectfully request that the City of Lone Tree:

1. **Deny Plat Application SB25-0014** as currently submitted
2. **Require the developer to comply with the RidgeGate PD District 7th Amendment** and utilize the Surrey Ridge access corridor
3. **Require an independent, third-party engineering analysis** of the Surrey Ridge alignment (Alternative 7) with the same level of engineering refinement applied to Alternative 1
4. **Require the developer to provide complete environmental impact data** — including scrub oak disturbance acreage — for Alternative 1, enabling a fair comparison

The RidgeGate PD District 7th Amendment was established through a deliberate planning process. Allowing the developer to circumvent this requirement based on a self-serving analysis sets a troubling precedent for planned development compliance in the City of Lone Tree.

Thank you for your consideration.

Formal Community Objection to Hillcamp Drive Filing No. 1

Regarding: City of Lone Tree Hillcamp Drive Filing No. 1 Project Page

To the City of Lone Tree Planning Commission, City Council, Staff, and Interested Parties:

We, the undersigned residents and stakeholders, respectfully submit this formal objection to the proposed Hillcamp Drive Filing No. 1 development application in its current form. While we recognize and support responsible growth within Lone Tree and Douglas County, the present proposal raises substantial unresolved concerns related to wildlife disruption, transportation infrastructure, geological stability, public safety, environmental stewardship, and deviation from previously communicated planning assumptions.

At minimum, the project should be delayed pending additional independent review and updated studies. Based on the cumulative deficiencies identified below, denial of the application should also be seriously considered until material revisions are made.

This objection is not rooted in opposition to development itself. Rather, it is grounded in the principle that development must occur in a manner consistent with sound engineering practices, environmental responsibility, infrastructure capacity, and the long-term interests of the broader community rather than the short-term financial objectives of a private developer.

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1. FAILURE TO ADEQUATELY ADDRESS WILDLIFE IMPACTS AND HABITAT FRAGMENTATION

The proposed development site functions as an active wildlife movement corridor utilized by elk, deer, coyotes, and smaller native species throughout the RidgeGate and I-25 corridor region. Existing open-space areas surrounding the site are increasingly fragmented due to ongoing urban expansion, making remaining undeveloped corridors substantially more important for species movement, feeding patterns, and seasonal migration.

The current filing materially underestimates the ecological significance of this corridor.

The application lacks:

- A comprehensive wildlife migration impact analysis,
- Long-term habitat disruption modeling,
- Wildlife crossing or routing mitigation strategies,
- Assessment of increased wildlife-vehicle collision risk,
- Analysis of cumulative environmental impact from adjacent developments.

As development density increases along the I-25 corridor, wildlife displacement accelerates. Fragmented habitats force animals into narrower transit paths, often redirecting them toward roadways, residential areas, and commercial corridors. This creates foreseeable increases in:

- Vehicle collisions,

- Human-wildlife conflicts,
- Ecological degradation,
- Loss of biodiversity,
- Long-term reduction of native wildlife populations.

Importantly, the environmental impacts cannot be evaluated in isolation. The Hillcamp proposal must be viewed in the context of the broader and accelerating urbanization occurring throughout RidgeGate, eastern Lone Tree, and adjacent Douglas County developments.

The cumulative impact standard is a well-established planning and environmental review principle. Yet the filing appears to evaluate wildlife impacts as though this project exists independently from surrounding growth pressures.

It does not.

The remaining wildlife corridors in this region are already under significant strain. Approving this project without meaningful mitigation would further erode one of the last remaining transitional open-space buffers between dense development zones.

This approach is inconsistent with responsible regional planning and environmental stewardship.

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2. THE TRAFFIC IMPACT STUDY IS INSUFFICIENT, OUTDATED, AND DOES NOT REFLECT CURRENT CONDITIONS

The traffic analysis supporting this filing appears materially disconnected from actual and projected traffic realities already experienced by residents in the area.

Residents have experienced substantial increases in congestion due to:

- Ongoing commercial construction along primary corridors,
- Increasing commuter and service traffic,
- Expanded residential density east of I-25,
- Increased utilization of I-25 exits associated with new development activity,
- Existing bottlenecks during peak commuting periods,
- Construction-related rerouting and temporary lane impacts.

The assumptions within the current traffic study appear to rely on historical traffic models that no longer reflect present operating conditions.

A core concern is that the analysis fails to adequately incorporate cumulative regional growth projections already approved, underway, or anticipated within the RidgeGate and surrounding development areas.

This omission materially affects:

- Intersection service-level calculations,
- Queue length projections,
- Emergency response accessibility,
- School-route safety,
- Pedestrian and cyclist safety,
- Evacuation and redundancy planning.

The practical reality experienced daily by residents is already inconsistent with the optimistic assumptions reflected in the study.

Residents regularly observe:

- Increasing congestion at peak hours,
- Longer wait times exiting side streets,
- Increased cut-through traffic,
- Construction-related backups,
- Greater traffic pressure near I-25 interchanges.

The concern is not simply inconvenience. It is infrastructure adequacy and public safety.

The addition of significant residential density without a fully updated traffic analysis creates foreseeable long-term impacts that will be borne by the community long after the developer has completed construction and exited the project.

Accordingly, we respectfully request:

A. An Updated Independent Traffic Impact Study

The study should include:

- Current traffic counts,
- Updated regional growth assumptions,
- Peak-hour congestion modeling,
- Cumulative development impacts,
- Emergency response modeling,
- School and pedestrian safety analysis,
- Alternative ingress/egress stress testing.

B. Public Disclosure of Modeling Assumptions

Residents deserve transparency regarding:

- Vehicle-per-household assumptions,
- Peak-use calculations,
- Growth forecasts,
- Adjacent-development assumptions,
- Intersection capacity thresholds.

Without this information, the public cannot meaningfully evaluate the validity of the study.

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3. GEOLOGICAL INSTABILITY AND LANDSLIDE RISK HAVE NOT BEEN ADEQUATELY ADDRESSED

One of the most significant concerns associated with this filing is the apparent minimization of geological risk despite a recent landslide event occurring within the area.

This fact alone should warrant substantially heightened scrutiny.

Slope instability is not theoretical in this location. It has already manifested.

The current filing does not appear to adequately address:

- Historical slope failure activity,
- Water drainage migration,
- Soil destabilization risks,
- Construction vibration impacts,
- Long-term erosion patterns,
- Effects of altered runoff resulting from development.

Development in areas with known or recent slope instability presents serious long-term risks including:

- Foundation movement,
- Road degradation,
- Retaining wall failure,
- Accelerated erosion,
- Drainage system failure,
- Public infrastructure liability exposure.

Importantly, climate variability and increasingly severe precipitation events further compound these risks.

The concern is not merely whether construction can initially occur safely. The concern is whether the land can safely support sustained residential density over decades without creating future hazards for homeowners, emergency responders, neighboring properties, and the City itself.

A geotechnical report that does not meaningfully incorporate a recent landslide event cannot reasonably be considered complete.

Accordingly, we request:

- An independent third-party geotechnical review,
- Public disclosure of slope-stability assumptions,
- Expanded hydrology and runoff modeling,
- Long-term erosion mitigation planning,
- Public hearings specifically focused on geological risk.

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4. THE PROJECT APPEARS TO DEVIATE FROM PREVIOUSLY COMMUNICATED TRANSPORTATION AND ACCESS PLANS

Residents understand that earlier planning concepts contemplated locating the primary entrance to the community farther south along I-25 in order to distribute traffic impacts more effectively and reduce congestion pressure on existing residential and commuter corridors.

The revised configuration appears to abandon that approach.

This raises several serious concerns:

- Why was the original access strategy altered?
- What traffic impacts were reevaluated?
- Were alternative entrance alignments fully studied?
- Was the change motivated primarily by construction cost or developer convenience?
- What public-benefit analysis justified the modification?

The absence of clear public explanation undermines confidence in the planning process.

Where prior infrastructure assumptions materially change, the public deserves a transparent reassessment process rather than incremental approval through revised filings.

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5. THE CURRENT APPLICATION PRIORITIZES PRIVATE ECONOMIC INTERESTS OVER LONG-TERM COMMUNITY IMPACT

When evaluating this filing holistically, a concerning pattern emerges.

At multiple decision points, the proposal appears structured to maximize development efficiency and financial return while transferring long-term costs and risks onto:

- Existing residents,
- Public infrastructure systems,
- Wildlife ecosystems,
- Future homeowners,
- Emergency services,
- The City of Lone Tree itself.

This includes:

- Increased traffic burden,
- Reduced environmental buffering,
- Elevated geological risk exposure,
- Wildlife displacement,
- Long-term infrastructure strain.

Responsible planning requires balancing growth with sustainability, safety, and preservation of community character.

The present filing does not achieve that balance.

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6. REQUEST FOR ACTION

Based on the concerns outlined above, we respectfully request that the City of Lone Tree:

1. Deny or postpone approval of Hillcamp Drive Filing No. 1;

2. Require a new independent traffic impact study incorporating:

- Current traffic conditions,
- Regional cumulative growth impacts,
- Emergency access analysis,
- Future development assumptions;

3. Require an independent geotechnical and slope-stability review that fully incorporates the recent landslide event;

4. Require a comprehensive wildlife impact assessment and enforceable mitigation strategy;

5. Conduct a transparent public reassessment of ingress/egress planning and prior development assumptions;

6. Ensure that future decisions prioritize public safety, environmental stewardship, and infrastructure sustainability over short-term developer economics.

Conclusion

Lone Tree has long distinguished itself through thoughtful planning, environmental balance, and careful infrastructure management. The decisions made regarding Hillcamp Drive Filing No. 1 will have consequences lasting decades beyond the construction phase.

Growth is inevitable. Poorly evaluated growth is not.

Approving this project without substantial additional review would expose the community to avoidable environmental, infrastructure, traffic, and geological risks while permanently altering one of the last remaining undeveloped transition corridors in the area.

We respectfully urge the City to pause, reassess, and place the long-term interests of residents, public safety, and environmental integrity ahead of accelerated development timelines and builder financial objectives.

Respectfully Submitted,

Blake and Andrea Wetzel
May 19, 2026

May 20, 2026

City of Lone Tree Planning Department

9220 Kimmer Dr #100

Lone Tree, CO 80124

Attention: Kelly First, City Council and Planning Commission

This correspondence is to inform you that I have been a resident of Surrey Ridge for 10 years and was previously a resident of Lone Tree for over 20 years. I have been fortunate to watch Lone Tree grow from an unincorporated, partially developed community, into a thriving city with a good balance of residential, business and commercial uses.

It has been my experience since moving to Surrey Ridge, that Lone Tree has continued to manage growth with responsible development and has been a good "neighbor". In efforts to better understand the proposed Hillcamp/Mesa Tops proposal, I have discussed and reviewed available documents. It is my understanding that Brookfield is the developer and that the land is already owned and zoned for single family use.

Originally, my primary concerns were potential increased traffic at the single tunnel, and Heather Rd becoming a "through" street between Surrey Ridge and this new development. I have since learned that Brookfield has agreed to install an "Emergency Only" gate on Heather between Surrey Ridge and Hillcamp (Fire Department access only), and they are also installing a fire hydrant on south side of this emergency gate. Fire is of great concern, and since we use well water and do not have a community water source, this will be a critical addition to Surrey Ridge.

My one other concern is regarding construction traffic – I would like the gate to be installed prior to construction so that Surrey Ridge is not utilized for construction vehicles.

I realize that there is a division between some Surrey Ridge residents regarding support of the Hillcamp/Mesa Tops development and that there is a vocal group intending to prevent advancement. I also understand that the CPSR (Citizens for preservation of Surrey Ridge) has shared and collected information and that not all residents are of that mindset.

It is my opinion that stopping development is not likely, and that the willingness of Brookfield and the City of Lone Tree to address the concerns I have mentioned are appreciated steps which satisfy my concerns.

I trust the planners and city representatives to oversee construction plans such that our small part of the world stays awesome.

Lynette Druva

303-588-5248

LKDruva@comcast.net

Chuck Darnell
Senior City Planner
City of Lone Tree
Lone Tree, Colorado

Dear Mr. Darnell,

I are writing to express our strong support for continued quality development and thoughtful population growth within the City of Lone Tree that is proposed with the HillCamp development.

I manage a unique, high quality restaurant that is Nationally recognized and major destination in Lone Tree and am a Douglas County resident.

Over the past three decades, Lone Tree has distinguished itself as a community that balances economic vitality with livability, thoughtful planning, and long-term vision. This success is no accident. It reflects the consistent dedication of city staff, the careful stewardship of its planning professionals, and the steady leadership that has guided the City's evolution over the past 30 years.

I would like to specifically recognize the exceptional work of the planning department and city staff, whose diligence ensures that growth is not only well-managed but enhances the character and value of the community. Their ability to evaluate projects through both a technical and community-centered lens has helped maintain the high standards residents and businesses have come to expect.

Equally important is the leadership of the City of Lone Tree over the years. The commitment to strategic, forward-thinking decisions has positioned Lone Tree as one of the most desirable places to live and work in the region. The City's willingness to embrace responsible growth while preserving quality of life is commendable and should continue to guide future development efforts.

I believe that well-planned, high-quality development—paired with appropriate population growth—will further strengthen the City's economic base, support local businesses, and contribute to a vibrant and sustainable community. Growth, when done right, enhances not only infrastructure and amenities but also the overall sense of place that makes Lone Tree unique.

We appreciate your continued efforts and leadership in shaping the future of Lone Tree and encourage the City to remain committed to the principles that have brought it success thus far.

Thank you for your time and for your service to the community.

Sincerely,

Chris Larson

5/21/26

3882 Starry Night Loop
Castle Rock, CO
80109

Members of Lone Tree City Council and Planning Department

After reviewing the Hillcamp Trail Geotechnical Response Letter, I remain deeply concerned that the project continues to present substantial unresolved geological, roadway, and long-term public safety risks. Rather than eliminating concern, the report highlights the extraordinary level of engineering intervention required to force development into terrain already identified as unstable and constrained.

The documents acknowledge landslide-susceptible slopes, debris flow hazards, steep terrain, expansive soils, significant retaining walls, extensive cut-and-fill operations, and major grading activity associated with the proposed Hillcamp Drive corridor. This is not evidence of a naturally suitable building site — it is evidence of a site requiring massive engineered alteration to make development possible.

Most concerning is the scale of the proposed roadway infrastructure itself. The approximately 4,077-foot Hillcamp Drive extension would require extensive excavation, deep hillside disturbance, engineered retaining systems, drainage controls, and structural stabilization immediately adjacent to existing neighborhoods below the bluffs. Tens of thousands of cubic yards of earth would be excavated, relocated, or permanently retained in terrain already recognized as geologically sensitive.

Importantly, portions of the roadway alignment still lack complete subsurface investigation due to terrain limitations, and the report acknowledges that additional geotechnical analysis, groundwater evaluation, pavement investigation, and retaining wall design work remain necessary. Some interim construction conditions also produced low factors of safety. These are not minor technical details — they directly impact slope stability, long-term roadway integrity, drainage behavior, and the safety of nearby residents.

The report further confirms that significant engineered mitigation measures will be required indefinitely to stabilize the site. That reality alone raises serious concerns about long-term maintenance, future infrastructure liability, and the downstream impact to existing homes located below these disturbed slopes.

Compounding these concerns, South Metro Fire Rescue has already identified deficiencies with roadway geometry and width for emergency access purposes. If the roadway ultimately requires widening to safely accommodate fire apparatus, disabled vehicles, or evacuation traffic, even greater excavation and hillside disturbance would be necessary in already unstable terrain.

Most importantly, the existence of extensive engineering solutions does not eliminate risk. In many respects, it demonstrates how difficult and constrained this site truly is.

The City should not approve a project that depends on massive and permanent geotechnical intervention, unresolved roadway design issues, and continued future analysis in order to function safely.

There is already an alternative access option contemplated within the RidgeGate Planned Development District framework that does not present the same level of steepness, excavation, and geological risk. Continuing to pursue the Hillcamp Drive extension despite the existence of less dangerous alternatives would be irresponsible and contrary to the long-term safety interests of Lone Tree residents.

For these reasons, I respectfully urge the City Council to deny the Hillcamp applications as proposed.

Kind regards,

Candice and Bob Fein

Members of Lone Tree City Council and Planning Department

After reviewing the Hillcamp Community Response Letter, it is clear that many of the project's most serious concerns remain unresolved. The letter repeatedly relies on future studies, future coordination, future approvals, and future mitigation measures rather than demonstrating that the project is presently safe, feasible, and appropriate for approval.

Most concerning is that the developer continues to present "anticipated," gated, emergency-only access roads as if they constitute reliable evacuation infrastructure for a 343-home mesa-top development in a wildfire-prone environment. They do not.

The letter confirms that the McArthur Drive and North Heather Drive connections will remain gated emergency-only accesses and acknowledges that portions of the McArthur route approach ±10% grades. At the same time, the developer admits these roads are too steep to function as public roadways. This directly undermines the claim that they can reliably serve as meaningful evacuation routes during wildfire conditions involving smoke, congestion, disabled vehicles, panic driving, and simultaneous emergency response.

Equally troubling, the developer repeatedly states that they "will continue coordinating" with South Metro Fire Rescue and that evacuation compliance "will continue to be reviewed." That is an admission that these issues are not resolved today. Life-safety access is not something that should be finalized after approval of a 343-home subdivision.

The geotechnical discussion raises additional concerns rather than alleviating them. The letter acknowledges extensive cut-and-fill operations, retaining walls, over-excavation of unstable soils, subsurface drains, and major engineered mitigation systems throughout the site. This is not evidence of a naturally stable site — it is evidence of how much intervention is required to force development into difficult terrain already identified as geologically constrained.

The scale of the proposed Hillcamp Drive infrastructure is extraordinary. The project requires construction of a 4,077-foot collector roadway through unstable bluff terrain, extensive grading, retaining walls, and a pedestrian bridge on drilled caissons — all within close proximity to existing neighborhoods. If South Metro Fire Rescue already believes the roadway geometry and width are inadequate, future widening would require even more excavation and hillside disturbance.

The wildlife discussion is similarly unconvincing. Narrow wildlife corridors and fencing do not replace the loss of large, uninterrupted open space habitat. Once roads, homes, lights, retaining walls, noise, and traffic are introduced, the ecological character of the bluffs is permanently altered. Wildlife corridors on paper are not equivalent to preserving functioning habitat.

The traffic analysis also relies heavily on outdated RidgeGate planning assumptions rather than current cumulative realities. The fact that development may have been conceptually anticipated decades ago does not mean present-day infrastructure, wildfire evacuation conditions, school circulation, or traffic safety impacts remain acceptable under today's circumstances.

Most importantly, the letter repeatedly argues that the project is consistent with prior PDD approvals, but prior planning assumptions do not create an automatic entitlement to build under materially changed modern conditions. Since these plans were first envisioned, Colorado has experienced dramatically different wildfire behavior, evacuation standards, drought conditions, insurance instability, and infrastructure pressures. The City has both the authority and responsibility to evaluate this proposal under current realities — not assumptions made 25 years ago. Here the claim to be complying with the PDD, but with regards to the main access road into Hillcamp – they are not complying and moved the road completely. They don't get to pick and choose!

Ultimately, this letter does not resolve the core issues raised by residents. It confirms them:

- evacuation routes remain uncertain,
- emergency access remains constrained,
- extensive geotechnical intervention is required,
- significant bluff disturbance is unavoidable,
- and long-term safety concerns remain unresolved.

The City should not approve a project of this scale based on future promises, speculative mitigation, and infrastructure that still requires substantial redesign and ongoing agency review.

I respectfully urge the City Council to deny the Hillcamp applications as proposed.

Candice and Bob Fein

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GEOTECHNICAL INVESTIGATION

RIDGEGATE MESA TOPS PEDESTRIAN BRIDGE
SOUTHWEST OF RIDGEGATE PARKWAY AND INTERSTATE 25
LONE TREE, COLORADO

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Project No. DN52,378-125-R1R

November 20, 2025
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Table of Contents

SCOPE 1
SUMMARY OF CONCLUSIONS 1
SITE CONDITIONS AND PROPOSED CONSTRUCTION 2
PREVIOUS INVESTIGATIONS 3
INVESTIGATION 4
SUBSURFACE CONDITIONS 4
Native Soils 5
Bedrock 5
Groundwater 6
SITE GEOLOGY 6
GEOLOGIC HAZARDS 7
Steep Slopes, Landslides, and Debris Flows 8
Permanent, Unretained Slopes 9
Erosion and Scour 10
Expansive Soil and Bedrock 10
Seismicity 11
SITE DEVELOPMENT 12
Excavation 12
Fill and Backfill 12
FOUNDATIONS 13
Drilled Piers 15
Laterally Loaded Piles 16
Closely-Spaced Pile Reduction Factors 17
ABUTMENTS AND WING WALLS 19
Slope Stability Analysis 19
LATERAL EARTH PRESSURES 23
CONCRETE 24
SURFACE DRAINAGE 26
CONSTRUCTION OBSERVATIONS 26
GEOTECHNICAL RISK 27
LIMITATIONS 27

Table of Contents, Continued

FIG. 1 – LOCATIONS OF EXPLORATORY BORINGS
FIG. 2 – BENCHED FILL DETAIL
FIG. 3 – SURCHARGE LOADS
FIG. 4 – TYPICAL EARTH RETAINING WALL DRAIN
FIG. 5 – CROSS SECTION LOCATIONS
APPENDIX A – SUMMARY LOGS OF EXPLORATORY BORINGS
APPENDIX B – LABORATORY TEST RESULTS AND TABLE B-I
APPENDIX C – SLOPE STABILITY RESULTS

SCOPE

This report presents the results of our Geotechnical Investigation for the Ridgegate Mesa Tops Pedestrian Bridge that will span the proposed extension of Cabela Drive southwest of Ridgegate Parkway and Interstate 25 in Lone Tree, Colorado (Fig. 1). The purpose of our investigation was to evaluate the subsurface conditions and provide geotechnical design and construction criteria for the bridge. The scope was described in a Contract Modification dated February 13, 2025 (DN-24-0331-CM1). This report has been revised to correct typographical errors and update our slope stability analysis based on review comments.

This report is based on conditions found in exploratory borings, results of field and laboratory tests, previous investigation, engineering analysis of field and laboratory data, and our experience. The American Association of State Highway Transportation Official's (AASHTO) Load and Resistance Factor Design (LRFD) Bridge Design Specifications, 9th Edition, 2020 was considered during the preparation of this report. The report contains descriptions of the strata encountered in exploratory borings, discussion of foundation support of abutment and wingwalls, recommended design and construction criteria for foundations, and drainage. The recommendations are based on the construction as currently planned. Revisions to the planned construction could affect our recommendations. If the construction will differ from the descriptions herein, we should be contacted to review our recommendations and determine if revisions are needed. A summary of our conclusions and recommendations follows, with more detailed discussion and design criteria presented in the report.

SUMMARY OF CONCLUSIONS

1. Strata encountered in exploratory borings generally consisted of about 2 to 6 feet of native sand or clay underlain by sandstone, interbedded claystone/sandstone, and weathered and comparatively weathered claystone bedrock to the maximum depth explored of 60 feet. The clay and clayey bedrock are expansive and the sand and sandstone are judged to be non-expansive.

2. Groundwater was encountered in all three borings at approximate depths of about 22 to 42 feet below existing grades (or approximate elevations 6243 to 6245 feet). Groundwater may be encountered during installation of deep foundations. Groundwater can fluctuate seasonally and may rise in response to changes in land use, precipitation, landscape irrigation, and the planned residential development upon the mesa top.

3. The presence of expansive soils and bedrock and steep slopes constitutes a geologic hazard. The potential for erosion and scouring is also a concern. We calculated 1 inch to 2½ inches of potential movement at the proposed ground surface based on a 24-foot depth of wetting. It is not certain this movement will occur. There is risk that improvements will heave or settle and be damaged. We believe the recommendations presented in this report will help to control risk of damage; they will not eliminate that risk.

4. We judge that drilled piers bottomed in bedrock is the safest foundation system from a geotechnical and constructability perspective. Complications for pier installation may include groundwater and lenses of very hard bedrock. Design and construction criteria for foundations are presented in the report.

5. Surface drainage should be designed, constructed, and maintained to provide rapid removal of runoff away from structures and flatwork to reduce potential subsurface wetting. Water should not be allowed to pond adjacent to structures or flatwork.

6. The design and construction criteria for foundation alternatives in this report were compiled with the expectation that all other recommendations related to grading, surface and subsurface drainage, backfill compaction, etc. will be incorporated into the project and that the structures and surface drainage will be maintained. It is critical that all recommendations in this report are followed.

SITE CONDITIONS AND PROPOSED CONSTRUCTION

The proposed pedestrian bridge is planned approximately 1 mile southwest of the Ridgegate Parkway and Interstate 25 intersection in Lone Tree, Colorado (Fig. 1 and Photo 1). Relatively steep slopes are present along the edges of the drainage. The site is vegetated with shrubs and trees along the slopes and grasses within the bottom of the drainage. The drainage slopes and conveys surface water to the north from the surrounding mesa top. Existing residential developments are located about ¼-mile north and ½-mile west and south of the site. The mesa top is currently used as a livestock pasture but it planned for residential development.

The bridge will realign a portion of the existing East/West Regional Trail to span the proposed extension of Cabela Drive located along the existing drainage. Two design options are being considered; one where the bridge spans the entire drainage and another incorporating a column at the center of the bridge. The bridge will likely be about 10 feet wide and 120-130 feet long, sit at a minimum height of 17.5 feet above Cabela Drive, and include abutments and wing walls. We anticipate up to about 10 feet of fill at the eastern abutment and less than about 5 feet of fill to about 10 feet of cut for the western abutment. Foundation loads have not been provided at this time.



Photo 1 – Google Earth© aerial site photo, October 2023. Approximate bridge location in red.

PREVIOUS INVESTIGATIONS

Our firm performed a Preliminary Geotechnical Investigation within the Ridgegate Mesa Tops development under our Project No. DN52,036-115-R1 and presented our results in a report dated November 20, 2023. We drilled and sampled 19 widely-spaced exploratory borings. We encountered sandy clay and clayey sand over claystone and sandstone bedrock. Bedrock was very hard and practical drill rig refusal was encountered in nine borings at depths of 12 to 21 feet below existing grades. The primary geotechnical concerns identified were expansive clay and claystone and potentially unstable slopes.

We have recently performed a Preliminary Geotechnical Investigation for the proposed Cabela Road extension that the bridge is planned to overpass. We presented results in a report and letter under our Project No. DN52,378-115, dated March 12 and April 18, 2025, respectively. We drilled and sampled eleven exploratory borings along the road alignment. We encountered sandy clay and clean to clayey sand underlain by weathered and comparatively unweath-

ered claystone bedrock. We are concurrently performing a supplemental subsurface investigation and slope stability analysis for the proposed Cabela Road extension. Data from our previous and concurrent investigations was considered in preparation of this report.

INVESTIGATION

Subsurface conditions were investigated on May 16, 2025, by drilling and sampling three exploratory borings at the west and east abutment locations and near the center of the drainage (Fig. 1). Boring locations and elevations were staked and surveyed by others. The borings were advanced to depths of 30 to 60 feet using 4-inch diameter, continuous-flight, solid-stem auger powered by a truck-mounted drill rig. Samples were obtained at approximate 2- to 5-feet intervals using 2.5-inch diameter (O.D.) modified California barrel samplers driven by blows of an automatic 140-pound hammer falling 30 inches. Bulk samples of the auger cuttings from the upper 5 feet were collected at each boring. Our field representatives were present to observe drilling operations, log the strata encountered, and obtain samples. Graphical boring logs are presented in Appendix A.

Samples obtained during drilling were returned to our laboratory where they were examined and testing was assigned. Laboratory tests included moisture content, dry density, swell-consolidation, Atterberg limits, particle size analysis (gradation and percent passing the No. 200 sieve), unconfined compressive strength, and water-soluble sulfate concentration. Swell-consolidation tests were performed by wetting samples under approximate overburden pressures (i.e. the pressure exerted by the overlying soil). Load-back analysis was performed on the swell tests to help estimate swelling pressures. Results of laboratory tests are presented in Appendix B and summarized in Table B-I.

SUBSURFACE CONDITIONS

Strata encountered in exploratory borings generally consisted of about 2 to 6 feet of colluvial/alluvial deposits comprised of sand and clay underlain by sandstone, interbedded claystone/sandstone, and weathered and comparatively unweathered claystone bedrock to the maximum depth explored of 60 feet. Some pertinent engineering characteristics of the subsoils are described in the following paragraphs.

Native Soils

We encountered about 2 feet of native clayey sand (colluvium) on the slope of the drainage in TH-1 and TH-2. Within the drainage in TH-3, we encountered about 6 feet of native sandy clay (alluvium). The clay was very stiff based on results of resistance penetration testing. A bulk sample of the clay contained 58 percent silt- and clay-sized particles (passing the No. 200 sieve) and exhibited moderate plasticity with a liquid limit of 44 and plasticity index of 25. The bulk sample from TH-1, containing a mix of native sand and sandstone bedrock, contained 34 percent silt- and clay-sized particles and 7 percent gravel (retained on the No. 4 sieve) and exhibited moderate plasticity with a liquid limit of 33 and plasticity index of 15. Based on testing from previous investigations, the clay is expansive. We judge the sand is non-expansive to low swelling. The slopes along the drainage are likely covered with relatively thin layers of sand dominated colluvium while the overburden soil within the drainage is likely thicker and consists of clay dominated alluvium.

Bedrock

The bedrock directly below the overburden soils in our borings along the slopes (TH-1 and TH-2) consists of about 4 to 10 feet of sandstone bedrock overlaying about 20 to 26 feet of claystone bedrock. Below the soils in our boring within the drainage (TH-3) we encountered about 2 feet of weathered claystone overlaying about 11 feet of comparatively unweathered claystone bedrock. Underlying the claystone in each boring is primarily sandstone bedrock with zones of interbedded claystone/sandstone bedrock. The unweathered claystone was medium hard to very hard, the interbedded bedrock was hard, and the sandstone was hard to very hard. Layers of relatively harder sandstone were encountered at both shallow and deeper depths. One sandstone sample contained 21 percent silt- and clay- sized particles. Six claystone samples swelled 0.1 to 2.1 percent and one did not swell when wetted. Five claystone samples developed load-back swell pressures of approximately 3,300 to 19,500 psf. Five claystone samples had unconfined compressive strengths of approximately 8,960 to 16,200 psf. Three claystone samples contained 55 to 77 percent silt- and clay-sized particles and exhibited moderate plasticity with liquid limits of 40 to 54 and plasticity indices of 20 to 22.

Groundwater

Groundwater was encountered during drilling in TH-1 at a depth of about 54 feet. When the borings were checked after drilling on May 21, 2025, groundwater was measured in all three borings at depths of about 22 to 42 feet below grade (approximate elevations 6243 to 6245). Groundwater may be encountered during installation of deep foundations. Groundwater may fluctuate seasonally and develop and rise in response to changes in land use, precipitation, landscape irrigation, and the planned residential development upon the mesa top.

SITE GEOLOGY

The 1977 Geologic map of the Highlands Ranch quadrangle[1] indicates the site is primarily underlain by the Upper Part of the Dawson Arkose sandstone facies (map symbol Tda) and the Castle Rock Conglomerate (map symbol Tcr). Based on our borings, the Dawson formation contained much thicker layers of claystone than the mapping implied. The Castle Rock Conglomerate is a pebble, cobble, and boulder arkosic conglomerate and can be difficult to excavate. Overburden soils primarily consist of colluvial deposits with lesser amounts of alluvial deposits. The geologic map indicates landslides have occurred on this mesa to the north of the subject site. Based on our experience, there is a risk of landslides within the subject site. More details are contained below in **GEOLOGIC HAZARDS**.

[1]Maberry, J.O., and Lindvall, R.M. “Geologic map of the Highlands Ranch quadrangle, Arapahoe and Douglas Counties, Colorado,” Geologic Quadrangle Map GQ-1413, 1977



Photo 2 – Excerpt from geologic map[1]. Approximate bridge location in red.

GEOLOGIC HAZARDS

Geologic hazards can affect development risks and costs. We believe potential hazards can be mitigated with proper engineering, design, and construction practices as discussed in this report. No geologic hazards were identified within the scope of this investigation which, in our opinion, will preclude development provided mitigation techniques as discussed in this report are implemented. The identified hazards include:

- Steep Slopes, Landslides, and Debris Flows
- Erosion and Scour
- Expansive Soil and Bedrock
- Seismicity

These hazards and conceptual mitigation methods are discussed in the following sections. The risks can be mitigated but not eliminated by careful design, construction and maintenance procedures.

Steep Slopes, Landslides, and Debris Flows

Moderate to steep slopes are present on this site. Existing slopes appear to be currently stable. As part of our evaluation, we reviewed the 2018 Landslide Inventory and Susceptibility Map of Douglas County, Colorado[2] and the 2018 Debris Flow Susceptibility Map of Douglas County, Colorado[3]. Excerpts of these maps are shown below in Photos 2 and 3, respectively. There are limitations of these maps, associated with map scaling and scope of the investigation.

The landslide map (Photo 2) indicates there are relatively small zones of "medium susceptibility" for landslides adjacent to the project site. This susceptibility rating was based on mapped geology and slope angle. We are aware of post-construction slope failures on nearby sites. Slope stability analysis outside the limits of the pedestrian bridge construction is not included within the scope of this investigation. Addition of water to the subsurface from precipitation or irrigation reduces relative stability and may initiate slope failures. Surface drainage should be designed, constructed, and maintained to provide rapid removal of surface runoff.

The debris flow map (Photo 3) indicates debris flow hazard areas are present downstream of the drainage the bridge will overpass. The hazard rating was based on evaluation of source areas and modeled runout zones. In large precipitation events, erosion and debris/mud flows can occur through these pathways. We judge there is currently low susceptibility of debris flows at the project site due to relatively minimal source areas of material. Risk may increase with development and land-use changes on the mesa top. The project may increase the debris flow susceptibility downstream. The Civil Engineer should evaluate drainage basins present on the site slopes and design surface drainage structures that will reduce the risk of debris flows.

[2]Lindsey, Kassandra, "Landslide Inventory and Susceptibility for Douglas County, Colorado," Colorado Geological Survey, (Open File Report, OF-18-07), 2018.
[3]McCoy, Kevin M., F. Scot Fitzgerald, Matthew L. Morgan, and Karen A. Berry. "Debris Flow Susceptibility Map of Douglas County, Colorado," Colorado Geological Survey (Open File Report, OF-18-08), 2018.

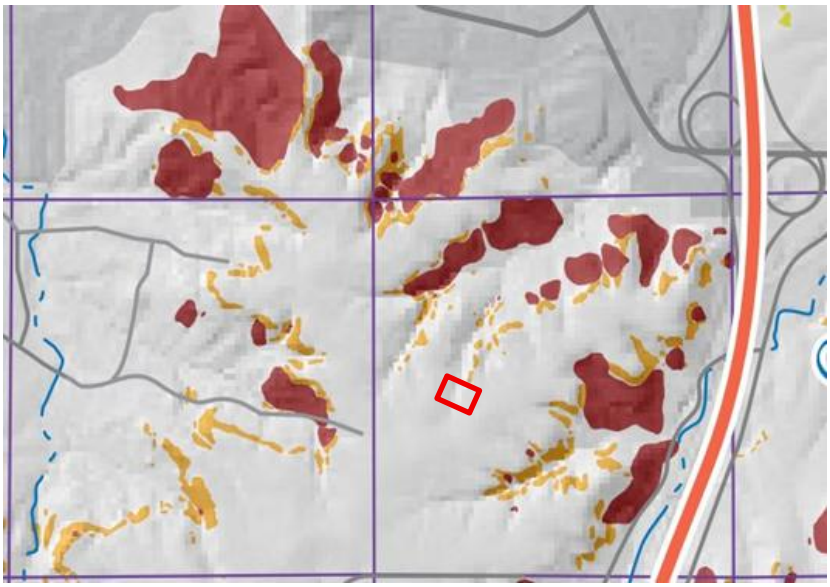


Photo 2: Excerpt from the Landslide Inventory and Susceptibility Map of Douglas County. Approximate site boundary outlined in red.

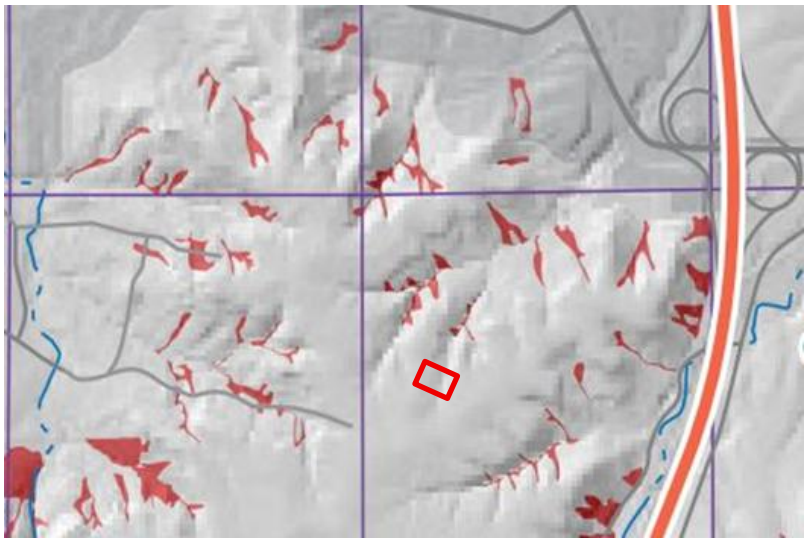


Photo 3: Excerpt from the Debris Flow Susceptibility Map of Douglas County. Approximate site boundary outlined in red.

Permanent, Unretained Slopes

We did not observe evidence of slope instability. Soil cut and fill slopes no steeper than 3H:1V (horizontal:vertical) should be stable. Slopes of 4H:1V are preferable. Engineered slope retention systems, such as wing walls, should be used if slopes steeper than 3H:1V are planned. There is potential for differential settlement and slope movements where new fill is placed on steep slopes. Sliding can result along sloping interfaces between new fill and existing

ground. An effective way to deal with this issue is to bench slopes steeper than about 20 percent prior to fill placement as shown on Fig. 2. Addition of water to the subsurface from precipitation or landscape irrigation will likely reduce relative stability and may initiate slope failures. Surface drainage should be designed, constructed, and maintained to provide rapid removal of surface runoff. Global stability analysis results are presented in Appendix C and discussed further in the **Slope Stability Analysis** section.

Erosion and Scour

The topography of the site encourages water to flow from the higher elevations, through the drainage pathways, towards the lower lying areas. During peak precipitation events, some accumulation of surface sheet flow in the drainage is expected. Development will increase the number of impervious surfaces and may alter established drainage paths, which can lead to drainage problems and erosion and scour if surface water flow is not adequately designed. Scour of the soil by flowing water around bridge supports can cause bridge failure. Sandy soils are highly susceptible to scour. Slopes will require erosion control during and after construction. Scour protection, to some extent, should be considered. Revegetation or other erosion control measures should be employed.

Expansive Soil and Bedrock

Expansive soils and bedrock are present at this site. There is risk that ground heave or settlement will damage the proposed improvements. We performed estimates of potential heave by dividing the soil profile into layers and modeling the swell test result using a depth of wetting of 24 feet below the ground surface. Based on the subsurface profiles and swell-consolidation test results we have estimated the potential heave at the existing grade and proposed grade as shown in Table I below. Potential heave will be affected by site grading. Variation from our estimates should be anticipated.

TABLE I: ESTIMATED POTENTIAL HEAVE

Boring	Estimated Heave at Existing Grade (inches)	Estimated Heave at Proposed Grade (inches)
TH-1	1	1
TH-2	2	1½
TH-3	2½	2½

*Estimated heave is based on 24-feet depth of wetting from ground surface

Seismicity

According to the USGS, Colorado's Front Range and eastern plains are considered low seismic hazard zones. The earthquake hazard exhibits higher risk in western Colorado compared to other parts of the state. The Denver Metropolitan area has experienced earthquakes within the past 100 years, shown to be related to deep drilling, liquid injection, and oil/gas extraction. Naturally occurring earthquakes along faults due to tectonic shifts are rare in this area.

The soil and bedrock at this site are not expected to respond unusually to seismic activity. The current IBC and IRC defer the estimation of Seismic Site Classification to ASCE7-22, a structural engineering publication. Updates from the previous versions of ASCE7 include (1) incorporation of additional Site Classifications BC, CD, and DE, (2) removal of tabulated blow-count and shear-strength correlations to shear wave velocity, and (3) requires the engineer to reduce shear wave velocity values by a factor of 1.3 when empirically estimated or not directly measured. The table below summarizes ASCE7-22 Site Classification Criteria.

ASCE7-22 SITE CLASSIFICATION CRITERIA

Seismic Site Class	$\bar{v}_s$, Calculated Using Measured or Estimated Shear Wave Velocity Profile (ft/s)
A. Hard Rock	>5,000
B. Medium Hard Rock	>3,000 to 5,000
BC. Soft Rock	>2,100 to 3,000
C. Very Dense Sand or Hard Clay	>1,450 to 2,100
CD. Dense Sand or Very Stiff Clay	>1,000 to 1,450
D. Medium Dense Sand or Stiff Clay	>700 to 1,000
DE. Loose Sand or Medium Stiff Clay	>500 to 700
E. Very Loose Sand or Soft Clay	≥500
F. Soils requiring Site Response Analysis	See Section 20.2.1

Based on the results of our investigation, the reduced, empirically estimated average shear wave velocity values for the upper 100 feet range between 1,306 and 1,400 feet per second, with an average value of 1,355 feet per second. We judge the subsurface will likely classify as Seismic Site Classification CD. The field penetration test results along with the empirical estimates imply that shear-wave velocity seismic tests to directly measure $\bar{v}_s$ could likely result in a better Seismic Site Classification. The subsurface conditions indicate low susceptibility to liquefaction from a materials and groundwater perspective.

SITE DEVELOPMENT

Excavation

Excavations made at this site may be governed by local, state, or federal guidelines or regulations. Subcontractors should be familiar with these regulations and take whatever precautions they deem necessary to comply with the requirements and thereby protect the safety of their employees and the public.

We believe the soils encountered in our exploratory borings can be excavated with conventional, heavy-duty excavation equipment. Lenses of very hard, cemented sandstone were encountered during a previous investigation nearby. There may be layers of relatively harder sandstone bedrock that could require more effort to excavate or the use of rock excavation techniques such as heavy ripping or rock saws. We recommend the owner and the contractors become familiar with applicable local, state and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards. We believe the clay and claystone will classify as Type B soil and the sand and sandstone as Type C, which require maximum slope inclinations of 1:1 and 1½:1 (horizontal:vertical), respectively, for temporary excavations in dry conditions. Flatter slopes will be required if seepage is present. The contractor's "competent person" is required to review excavation conditions and refer to OSHA Standards when worker exposure is anticipated. Stockpiles and equipment should not be placed within a horizontal distance equal to one-half the excavation depth, from the edge of the excavation. Permanent unretained slopes should be designed no steeper than about 3H:1V and should be re-vegetated as soon as practical to control erosion; use of 4H:1V maximum slopes is preferable. A professional engineer should design excavations deeper than 20 feet.

Fill and Backfill

Onsite soils are suitable for reuse as new fill provided they are substantially free of vegetation, debris, oversized particles (larger than about 3 inches) and other deleterious materials. If import fill is necessary, it should ideally consist of similar material as currently onsite. Imported Colorado Department of Transportation (CDOT) Class 5 or 6 fill may also be used. A sample of import material should be submitted to our office for approval prior to importing to the site.

Prior to fill placement, the surface should be stripped of topsoil, scarified to a depth of at least 12 inches, moisture conditioned, and compacted to the criteria below. Subsequent fill should be placed in thin (8 inches or less) loose lifts, moisture conditioned to within 2 percent of optimum moisture content for sand and between 1 and 4 percent above optimum moisture content for clay. The fill should be compacted to at least 95 percent of standard Proctor maximum dry density (ASTM D 698). If Imported CDOT Class 5 or 6 fill is used, it should be compacted to at least 95 percent of the modified Proctor maximum dry density (ASTM D1557). Utility trench backfill, if any, should be moisture conditioned and compacted to Douglas County specifications.

Our experience indicates fill and backfill can settle under its own weight, even if properly compacted to the criteria provided above. We estimate potential settlement of about 1 to 2 percent of the fill thickness. Most of this settlement usually occurs during and soon after construction; for clayey fill, it may continue for longer. Heave or additional settlement may occur after development in response to wetting. There may be some areas where proposed grading will create non-uniform depths of fill below improvements. Where fill depths vary by more than 5 feet, sub-excavation or benching of existing slopes should be considered to create more uniform fill depths. **If fill will be placed on slopes of 20 percent or steeper the slopes should be benched prior to placing fill (Fig. 2**).

FOUNDATIONS

Our investigation indicates expansive clay and claystone are present at depths likely to influence the performance of foundations. Drilled piers bottomed in bedrock are the safest foundation type for the proposed bridge, abutments, and wing walls due to the presence of expansive materials and steep site topography.

Design and construction criteria for drilled shaft foundations are provided below. These criteria were developed from analysis of field and laboratory data and our experience. The foundation elements should be sized considering the unfactored side and end bearing resistance in the following table.

SUMMARY OF ULTIMATE GEOTECHNICAL FOUNDATION RESISTANCES

Subsurface Strata	Ultimate End Pressure (psf)	Ultimate Side Shear (psf)
Bedrock	35,000	3,500

Drilled shafts bottomed in bedrock are usually designed accounting for the nominal end bearing (tip) resistance plus the nominal side resistance along the shaft, neglecting the side resistance within the potential scour depth and the depth of shrinkage cracking. We recommend that the minimum shaft lengths be determined referring to Section 10.8 of the AASHTO LRFD Bridge Design Manual, 9th Edition. The static shaft lengths and minimum bedrock penetration should be determined by the structural engineer considering the factored loads and ultimate (nominal) end pressure and side shear values provided. The tabulated resistance factors should be applied by the structural engineer and have been used in this study to determine minimum lengths to resist uplift to due heave of expansive bedrock.

LRFD STATIC ANALYSIS RESISTANCE FACTORS DRILLED SHAFTS

Subsurface Material	Resistance Type	Static Resistance Factor (phi)
Bedrock	Side	0.60
	End/Tip	0.55

It is sometimes beneficial to verify the axial resistance of drilled shafts via static load testing. Side resistance and end resistance values obtained from load tests allows use of a higher resistance factor which in turn can result in shorter foundation lengths to resist axial loads than those predicted from static analysis methods. When the minimum foundation lengths are controlled by uplift of expansive soil and bedrock, in the case of these foundations, it is not usually beneficial to perform load testing as a value engineering measure. Load testing of drilled shafts may not provide cost-benefit value for this project but can be considered to check the geotechnical resistances used to design the foundations. The table below includes the resistance factors from load testing of drilled shafts (AASHTO LRFD Bridge Design Specifications, 9th Edition).

LRFD LOAD TEST RESISTANCE FACTORS DRILLED SHAFTS

Method of Capacity Determination (Load Tests)	Resistance Factor (phi)
Static Load Test, Compression	0.7
Static Load Test, Tension	0.6

Drilled Piers

1. The ultimate end and side shear pressures presented in the previous table should be appropriately factored by the structural engineer to be used for design. Side resistance in the soil should be neglected.

2. Potential scour depths will impact the design of foundations. The side resistance should be ignored along the foundation segment within the depth of potential scour.

3. Side resistance should be ignored in the overburden soils due to the potential for soil shrinkage away from the shaft diameter and the subsequent loss in geotechnical resistance.

4. Piers should have a minimum length of 30 feet and extend at least 6 feet into unweathered bedrock. Longer shafts may be necessary based on structural and scour considerations. The minimum diameter will depend on the length-to-diameter ratio (L/D). We recommend the piers be designed with a maximum L/D ratio not to exceed 30. We recommend drilling with a large, heavy-duty drill rig to facilitate the required bedrock penetration.

5. Formation of “mushrooms” or enlargements at the tops of piers should be avoided during pier drilling and subsequent construction operations.

6. A 4-inch or thicker continuous void should be constructed beneath all abutment walls, wing walls, and shaft caps to concentrate deadload onto the shafts and to prevent heave pressures on abutment walls between shafts. The void should be protected on the sides using a continuous high-strength plastic retainer that will prevent abutment backfill from migrating into the void and closing the void. The structural engineer should detail the void form system.

7. Shear rings should be installed in the penetration zone (lower 8 feet). Shear rings should have a height of at least 2 to 3 inches and extend 3 to 4 inches minimum beyond the pier shaft to increase the load transfer through skin friction. These shear rings should be spaced about 2 feet on-center for the design side shear penetration zone.

8. Pier drilling should produce shafts with relatively undisturbed bedrock exposed. Excessive remolding and caking of bedrock on pier walls should be removed. The bedrock surface should be rough or roughened. Pier drilling contractors should be required to have properly sized augers. Use of side cutters or teeth to increase the effective diameter should not be allowed.

9. Piers should be reinforced their full length and the reinforcement should extend an adequate distance into grade beams and pier caps. The reinforcement should be designed assuming an uplift force of (70 kips x pier diameter in feet minus the deadload) to resist tension in the event of swelling. Grade 60 (or better) steel is recommended. More reinforcement may be required for structural considerations. Reinforcement should be designed by the structural engineer.

10. Piers should have a center-to-center spacing of at least three pier diameters when designing for vertical loading conditions, or they should be designed as a group. Piers aligned in the direction of lateral forces should have a center-to-center spacing of at least 6 pier diameters.

11. Pier holes should be cleaned prior to placement of concrete. Use of temporary casing and concrete pumping may be required for proper dewatering and placement of concrete during drilled pier installation. Use of slurry to maintain holes for casing may be required. Concrete should be on-site and placed in the pier holes immediately after the holes are drilled, cleaned and inspected. Concrete should not be placed by free-fall in pier holes containing more than about 3 inches of water.

12. Concrete should be on-site and placed in the pier holes immediately after the holes are drilled, cleaned, and observed and reinforcing steel is set. Concrete placed in pier holes should have a slump of 6 inches (± 1 inch) to promote proper consolidation and reduce arching of concrete on the reinforcement and sides of the piers.

13. Some shaft-drilling contractors use casing with an O.D. equal to the specified shaft diameter. This practice results in a shaft diameter less than specified. The shaft design and specifications should consider the alternatives. If full-size casing is desired (I.D. of casing equal to specified pier diameter) it should be clearly specified. If the design considers the potential reduction in diameter, then the specifications should include a tolerance for a smaller diameter for cased piers.

14. Some movement of drilled pier foundations should be anticipated to mobilize the skin friction. We estimate this movement on the order of ¼ to ½-inch to mobilize skin friction. Differential movement may be equal to the total movement.

15. Installation of drilled piers should be observed by a representative of our firm to identify the bearing strata, confirm subsurface conditions are as anticipated and observe the contractor's installation procedures.

Laterally Loaded Piles

Lateral load analysis of piles can be performed with the software analysis package LPILE by Ensoft, Inc. We believe this method of analysis is appropriate for piles with a pile length to width ratio of seven or greater. Lateral resistance factor of 1.0 is recommended by ASHTO for LRFD. Recommended soil input values for use with LPILE software is presented in the following table.

SOIL INPUT DATA FOR “LPILE”

	CDOT Class 5/6 Fill	Sand	Clay	Weathered Bedrock	Unweathered Bedrock
Soil Type Per L-Pile	Reese Sand	Reese Sand	Medium Stiff Clay w/o Free Water	Stiff Clay w/o Free Water	Hard Clay w/o Free Water
Effective Unit Weight (pcf)	125	122	120	123	125
Undrained Cohesion, c (psf)	-	-	500	2,000	6,000
Friction Angle, ø (degrees)	34	32	-	-	-
Soil Strain, ε_{50} (in/in)	-	-	0.01	0.005	0.004
p-y Modulus, k_s (pci)	60	60	100	1,000	2,000
p-y Modulus, k_c (pci)	-	-	-	400	800

The ε_{50} represents the strain corresponding to 50 percent of the maximum principal stress difference.

Closely-Spaced Pile Reduction Factors

For axial loading, no reduction is needed for a minimum spacing of three diameters (center-to-center). At one diameter (piles touching), the skin friction reduction factor for both piles would be 0.5. End pressure values would not be reduced provided the bases of the piles are at similar elevations. Interpolation can be used between one and three diameters.

For lateral loading, no reduction is needed for piles in-line with the direction of lateral loads with a minimum spacing of six widths (center-to-center) based upon the larger pile. If a closer spacing is required, the modulus of subgrade reaction for initial and trailing piles should be reduced. At a spacing of three widths, the effective modulus of subgrade reaction of the first pile can be estimated by multiplying the given modulus by 0.6; for trailing piles in a line at three-width spacing, the factor is 0.4. Linear interpolation can be used for spacing between three and six widths.

Reductions to the modulus of subgrade reaction can be accomplished in LPILE by inputting the appropriate modification factors for p-y curves. Reducing the modulus of subgrade reaction in trailing piles will result in greater computed deflections on these piles. In practice, a grade beam can force deflections of all piles to be equal. Load-deflection graphs can be generated for each pile by using the appropriate p-multiplier values. The sum of the piles lateral load resistance at selected deflections can be used to develop a total lateral load versus deflection graph for the system of piles. For lateral loads perpendicular to the line of piles, a minimum spacing of three widths can be used with no capacity reduction. At one width (piles touching) the piles should be analyzed as one unit. Interpolation can be used for intermediate conditions.

The above method has been used by our firm for years with success but sometimes results in overly conservative values. We believe the prediction equations proposed by Reese and Van Impe[4] result in more practical solutions for group efficiency. They were formulated by fitting curves to data representing group efficiency versus pile spacing. No differentiation was made between soil type, pile diameter, or penetration. The data indicates that for side-by-side piers, group efficiency becomes unity at spacing of about 4 pier diameters. For in-line piers, the lead piers were found to have efficiency of unity with spacing of about 4 diameters, and the trailing piers were unity efficiency with spacing of 7 diameters. The equations for solving group efficiency for side-by-side, leading and trailing piers are shown below, where the variable “s” is the pile spacing and “b” is the pile diameter.

Side-by-side piers:

$$e = 0.64(\frac{s}{b})^{0.34}\ for\ 1 \leq \frac{s}{b} \leq 3.75, e = 1.0, \frac{s}{b} \geq 3.75 \qquad \textit{(Equation 5.39)}$$

Leading piers:

$$e = 0.7(\frac{s}{b})^{0.26}\ for\ 1 \leq \frac{s}{b} \leq 4.0, e = 1.0, \frac{s}{b} \geq 4.0 \qquad \textit{(Equation 5.40)}$$

Trailing piers:

$$e = 0.48(\frac{s}{b})^{0.38}\ for\ 1 \leq \frac{s}{b} \leq 7.0, e = 1.0, \frac{s}{b} \geq 7.0 \qquad \textit{(Equation 5.41)}$$

[4] “Single Piles and Pile Groups Under Lateral Loading,” Authored by Lymon C. Reese and William F. Van Impe, 2001; Section 5.7.5, Pages 158 and 159

For piers that are skewed at an angle (i.e. between in-line and side-by-side), the group efficiency is taken as a modification to shadow and edge effects. The efficiency can be estimated by:

$$e = (e_i^2 \cos^2 \emptyset + e_s^2 \sin^2 \emptyset)^2 \text{ ; where } e_i = \text{efficiency of pile in-line,}$$

e_s = efficiency of pier side-by-side, and

$\emptyset$ = angle between piers (Reese & Wang, 1996)

ABUTMENTS AND WING WALLS

We anticipate wing walls will be used on either side of each abutment. Wing walls should be constructed on the same foundation type as the abutments. The wing walls should be designed and constructed separate from the abutments and be sufficiently flexible so “active” earth pressure conditions can be used in design. The wing walls will likely be constructed in the embankment slopes. The backfill behind wing walls is anticipated to slope upwards.

Lateral earth pressures are dependent on the type of backfill, the slope of the backfill, and other surcharge loads. Fig. 3 presents methods for evaluating additional pressures due to additional loading conditions. The backfill behind walls should be compacted as described above in **Fill and Backfill**. Care should be taken when compacting backfill directly against the walls as to not damage the wall and increase lateral pressures. Waiting at least seven days after the walls are placed to allow the concrete to gain strength can reduce the risk of damage.

We recommend wing walls and abutments be provided with a wall drain system behind walls to reduce the risk of developing hydrostatic pressures. A subsurface drain detail is presented on Fig. 4. The drain should consist of a free-draining gravel layer and weep holes or slotted pipe to drain water from behind the walls. Miradrain or a similar manufactured drain is a suitable alternative.

Slope Stability Analysis

We performed slope stability analyses for the west and east bridge abutments. We analyzed the stability of the slopes to evaluate the global stability and risk of failure related to the proposed construction. To perform our analysis, we used proposed grading and retaining wall

plans, estimated subsurface conditions and soil profile, and estimated strength properties of the soil and bedrock types within the subsurface profile. The following paragraphs summarize our analyses. Results are presented in Appendix C.

Two cross-sections were considered for each abutment, as shown on Fig. 5. We were provided with the Hillcamp Trail Civil Construction Plans, dated March 27, 2026, to create our cross sections. General wall configurations were modeled based on the provided "Typical Outcropping Gravity Wall with Cast-In-Place Concrete Backfill" plan dated July 15, 2025. Our analyses and recommendations are based on construction as currently planned. Slope stability should be reevaluated if revisions are made to the planned construction.

Subsurface data was obtained from our exploratory borings during the current and previous investigations. We used current and previous laboratory test results and our experience to select strength parameters for the soil and bedrock. Strength parameters using Mohr-Coulomb criterion and are summarized in the table below. Strength parameters and slope geometry were input into a limit equilibrium slope stability modeling program, Slide2, by Rocscience. The Spencer, GLE/Morgenstern-Price, and Janbu Corrected methods and the non-circular Cuckoo failure search were used. Multiple elevated groundwater conditions were modeled to analyze the impact of the groundwater table rising due to future development upslope. Interim stability was also analyzed based on our understanding of the construction sequencing.

We have reviewed the strength parameters used in the "Engineering Geologic Assessment" prepared by Michael W. West & Associates (MWW) dated March 19, 2008. MWW modeled a weathered claystone/sandstone unit with strength parameters consisting of an internal friction angle of 10.5 degrees and cohesion of 100 psf. These strength properties appear to be applied to a displaced, failed mass in their analysis and were based on back-analysis of a previous slope failure. MWW also ran direct shear testing on two saw-cut specimen that exhibited strengths similar to those stated above. We believe these strength values were used to model residual values. During our investigation we did not observe any indications that the weathered claystone unit we encountered has been disturbed or displaced via slope movements and do not believe residual strengths have developed within the weather claystone unit. To be conservative, we preformed analyses considering these properties for any weathered claystone encountered towards the bottom of the slope, like MWW, to evaluate stability. Additionally, we pre-

viously conducted direct shear testing on a sample of the weathered claystone during our investigation for the associated roadway extension (Project No. DN52,378-115-L2, dated November 13, 2025). Results indicated a peak internal friction angle of 17 degrees and a peak cohesion of 6,070 psf. In our analysis, we also modeled this unit with an internal friction angle of 16 degrees and a cohesion of 395 psf which we believe to be more appropriate for the weathered claystone encountered in our investigation.

The internal friction angle for the Dawson sandstone was increased from 30 degrees to 34 degrees based on back-analyses of stable slopes performed during our concurrent investigation for the Mesa Tops development (Project No. DN52,036-115-R2R). The wall configurations were simplified to better model global stability without internal stability of the walls interfering with failure searches.

SLIDE2 INPUT VALUES

Material	Unit Weight (pcf)	Angle of Internal Friction (degrees)	Cohesion (psf)
Fill, Sand Clay	120	26	25
Clay CL/CH	120	26	75
Weathered Claystone	123	16	395
Weathered Claystone (MWW)	123	10.5	100
Claystone	125	18	1000
Sandstone	125	34	50
Wall Material	134	38	2,671
Concrete	150	1	216,000
Reinforced Soil	140	34	1

In discussions that follow, the term “factor of safety” (FOS) is used. This term describes the ratio of strength available to resist sliding compared to the forces that cause sliding. A FOS of 2.0 means the forces resisting sliding exceed the driving force by 2.0 times. For long-term stability, a typical minimum industry accepted FOS is 1.3, while a FOS of 1.5 is preferred. A FOS of less than 1.0 implies failure conditions.

Results of our analysis of both abutments indicate stabile conditions based on proposed construction and elevated groundwater conditions. The interim scenario for Section B, without laying back the excavation surface within the overburden soils, resulted in a FOS of 1.2. Cutting this surface back to 1H:1V significantly increased the FOS, resulting in a 1.8. We recommend temporary cuts within the overburden soils during construction of the retaining walls at the west abutment be no steeper than 1H:1V. A summary of the results is presented in the table below.

RESULTS OF SLOPE STABILITY ANALYSIS

Cross-Section	Scenario	Lowest Factor of Safety
A-A'	Interim, in-situ groundwater	2.0
	Proposed, in-situ groundwater	2.6
	Proposed, elevated groundwater (line 2)	2.6
	Proposed, elevated groundwater (line 3)	2.6
	Proposed, elevated groundwater (line 4)	2.6
A-A' (MWW Value)	Interim, in-situ groundwater	2.0
	Proposed, in-situ groundwater	2.6
	Proposed, elevated groundwater (line 2)	2.6
	Proposed, elevated groundwater (line 3)	2.6
	Proposed, elevated groundwater (line 4)	2.6
B-B'	Interim, in-situ groundwater	1.8
	Proposed, in-situ groundwater	3.1
	Proposed, elevated groundwater (line 2)	3.1
	Proposed, elevated groundwater (line 3)	3.1
	Proposed, elevated groundwater (line 4)	3.1
B-B' (MWW Value)	Interim, in-situ groundwater	1.8
	Proposed, in-situ groundwater	3.1
	Proposed, elevated groundwater (line 2)	3.1
	Proposed, elevated groundwater (line 3)	3.1
	Proposed, elevated groundwater (line 4)	3.1
C-C'	Interim, in-situ groundwater	1.4
	Proposed, in-situ groundwater	2.4
	Proposed, elevated groundwater (line 2)	2.4
	Proposed, elevated groundwater (line 3)	2.4
C-C' (MWW Value)	Interim, in-situ groundwater	1.4
	Proposed, in-situ groundwater	2.4
	Proposed, elevated groundwater (line 2)	2.4
	Proposed, elevated groundwater (line 3)	2.3

Cross-Section	Scenario	Lowest Factor of Safety
D-D’	Interim, in-situ groundwater	1.5
	Proposed, in-situ groundwater	1.7
	Proposed, elevated groundwater (line 2)	1.7
	Proposed, elevated groundwater (line 3)	1.7
D-D’ (MWW Value)	Interim, in-situ groundwater	1.5
	Proposed, in-situ groundwater	1.6
	Proposed, elevated groundwater (line 2)	1.6
	Proposed, elevated groundwater (line 3)	1.6

LATERAL EARTH PRESSURES

Abutment and wing walls should be designed to resist lateral earth pressures. The amount of pressure on a wall is a function of the type of backfill, drainage conditions, slope of the backfill surface, and the allowable rotation of the wall. An “active” earth pressure resistance can be used provided deflection of the wall is acceptable. If very little movement is desired, an “at-rest” resistance should be used. A “passive” earth pressure resistance can be used to resist sliding and overturning. Much larger wall movements are required for passive earth pressure to engage. This larger movement should be accounted for before relying on passive earth pressures. We have tabulated equivalent fluid pressure for use in lateral earth pressure restraint design below. The values given are for backfill material. All backfill should be well compacted, as discussed in the **Fill and Backfill** section. The pressures given do not include allowances for surcharge loads such as sloping backfill or vehicle traffic. Appropriate LRFD load factors should be applied to the lateral earth pressures.

A clean granular material (less than 10 percent passing a No. 200 sieve) such as CDOT Class 5 or 6 material can be used in backfill zones. Granular backfill can be used to reduce lateral pressures compared to clay, and can result in lower settlement, possibly as little as half of the settlement expected with clayey soils. If this material is used, we recommend capping the granular material with a geofabric and at least 2 feet of compacted on-site clayey soils to provide a less permeable surface layer to reduce surface water infiltration where this condition occurs.

LATERAL EQUIVALENT FLUID DENSITIES FOR BACKFILL

Backfill Type	Site Developed Fill	CDOT Class 5 or 6 Fill
Active Equivalent Fluid Density (pcf)	45	35
At Rest Equivalent Fluid Density (pcf)	65	50
Passive Equivalent Fluid Density (pcf)*	320*	400*

*Assumes compacted backfill will never be removed and there is adequate wall movement to engage passive pressure resistance.

CONCRETE

Concrete in contact with soil can be subject to sulfate attack. We measured water-soluble sulfate concentrations of 0.03 and 0.05 percent in two samples from this investigation. As indicated in our tests and ACI 318-19, the sulfate exposure class is *S0* or *Not Applicable*.

SULFATE EXPOSURE CLASSES PER ACI 318-19

Exposure Classes		Water-Soluble Sulfate (SO_4) in Soil [A] (%)
Not Applicable	S0	< 0.10
Moderate	S1	0.10 to 0.20
Severe	S2	0.20 to 2.00
Very Severe	S3	> 2.00

A) Percent sulfate by mass in soil determined by ASTM C1580

For this level of sulfate concentration, ACI 318-19 *Code Requirements* indicates there are no special cement type requirements for sulfate resistance as indicated in the table below.

CONCRETE DESIGN REQUIREMENTS FOR SULFATE EXPOSURE PER ACI 318-19

Exposure Class		Maximum Water/ Cement Ratio	Minimum Compressive Strength (psi)	Cementitious Material Types A			Calcium Chloride Admixtures
				ASTM C150/C150M	ASTM C595/C595M	ASTM C1157/C1157M	
S0		N/A	2500	No Type Restrictions	No Type Restrictions	No Type Restrictions	No Restrictions
S1		0.50	4000	II[B]	Type with (MS) Designation	MS	No Restrictions
S2		0.45	4500	V [B]	Type with (HS) Designation	HS	Not Permitted
S3	Option 1	0.45	4500	V + Pozzolan or Slag Cement [C]	Type with (HS) Designation plus Pozzolan or Slag Cement [C]	HS + Pozzolan or Slag Cement [C]	Not Permitted
S3	Option 2	0.4	5000	V [D]	Type with (HS) Designation	HS	Not Permitted

A) Alternate combinations of cementitious materials shall be permitted when tested for sulfate resistance meeting the criteria in section 26.4.2.2(c).
B) Other available types of cement such as Type III or Type I are permitted in Exposure Classes S1 or S2 if the C3A contents are less than 8 or 5 percent, respectively.
C) The amount of the specific source of pozzolan or slag to be used shall not be less than the amount that has been determined by service record to improve sulfate resistance when used in concrete containing Type V cement. Alternatively, the amount of the specific source of the pozzolan or slab to be used shall not be less than the amount tested in accordance with ASTM C1012 and meeting the criteria in section 26.4.2.2(c) of ACI 318.
D) If Type V cement is used as the sole cementitious material, the optional sulfate resistance requirement of 0.040 percent maximum expansion in ASTM C150 shall be specified.

Superficial damage may occur to the exposed surfaces of highly permeable concrete. To control this risk and to resist freeze-thaw deterioration, the water-to-cementitious materials ratio should not exceed 0.50 for concrete in contact with soils that are likely to stay moist due to surface drainage or high-water tables. Concrete should have a total air content of 6 percent ± 1.5 percent. We advocate damp-proofing of all foundation walls and grade beams in contact with the subsoils.

SURFACE DRAINAGE

Surface drainage should be designed, constructed, and maintained to provide rapid removal of surface water runoff away from the proposed structures. We recommend the following precautions be observed during construction and maintained after construction is completed.

1. Wetting or drying of open foundation and earthwork excavations should be avoided.

2. Positive drainage should be provided away from structure(s). We recommend a minimum slope of 5 percent in the first 5 to 10 feet away from the foundations in landscaped areas.

3. Backfill around foundations should be moistened and compacted according to criteria presented in **Fill and Backfill**. Areas behind flatwork should be backfilled and compacted to reduce ponding of surface water.

4. Landscaping should be carefully designed to minimize irrigation. Plants used close to the bridge should be limited to those with low moisture requirements. Irrigation should be limited to the minimum amount sufficient to maintain vegetation.

5. Impervious plastic membranes should not be used to cover the ground surface immediately surrounding foundations. These membranes tend to trap moisture and prevent normal evaporation from occurring. Geotextile fabrics can be used to control weed growth and allow evaporation.

6. Concentrated flow from drains or swales should be directed away from the bridge and discharge beyond backfill zones or into appropriate storm sewer or detention area.

CONSTRUCTION OBSERVATIONS

We recommend that CTL|Thompson, Inc. provide construction observation services to allow us the opportunity to verify whether the soil conditions encountered in the excavations are consistent with those found during this investigation. If others perform these observations, they must accept responsibility to judge whether the recommendations in this report remain appropriate.

GEOTECHNICAL RISK

The concept of risk is an important aspect with any geotechnical evaluation, primarily because the methods used to develop geotechnical recommendations do not comprise an exact science. We never have complete knowledge of subsurface conditions. Our analysis must be tempered with engineering judgment and experience. Therefore, the recommendations presented in any geotechnical evaluation should not be considered risk-free. Our recommendations represent our judgment of those measures that are necessary to increase the chances that the structures and improvements will perform satisfactorily. It is critical that all recommendations in this report are followed during construction. Owners/operators must assume responsibility for maintaining the structures and use appropriate practices regarding drainage and landscaping. Improvements after construction should be completed in accordance with recommendations provided in this report and may require additional soil investigation and consultation.

LIMITATIONS

This report has been prepared for the exclusive use of JR Engineering, LLC and the design team for the purpose of providing geotechnical design and construction criteria for the proposed project. The information, conclusions and recommendations presented herein are based upon consideration of many factors including, but not limited to, the type of structures proposed, and the subsurface conditions encountered. The conclusions and recommendations contained in the report are not valid for use by others. The recommendations provided are appropriate for about three years. If the proposed project is not constructed within about three years, we should be contacted to determine if we should update this report.

The recommendations presented in this report are based on the construction as currently planned. Revisions in the planned construction could affect our recommendations. We should be contacted if construction will differ from descriptions in this report to review and revise our recommendations, if necessary. The exploratory borings were drilled to obtain a reasonably accurate indication of foundation soil conditions. The borings are representative of conditions encountered only at the locations drilled. Subsurface variations not indicated by the borings are possible.

We believe this investigation was conducted in a manner consistent with that level of skill and care ordinarily used by geotechnical engineers practicing under similar conditions. No warranty, express or implied, is made. If we can be of further service in discussing the contents of this report, or in the analysis of the influence of the subsurface conditions on the design of the buildings or any other aspect of the proposed construction, please call.

CTL|THOMPSON, INC.

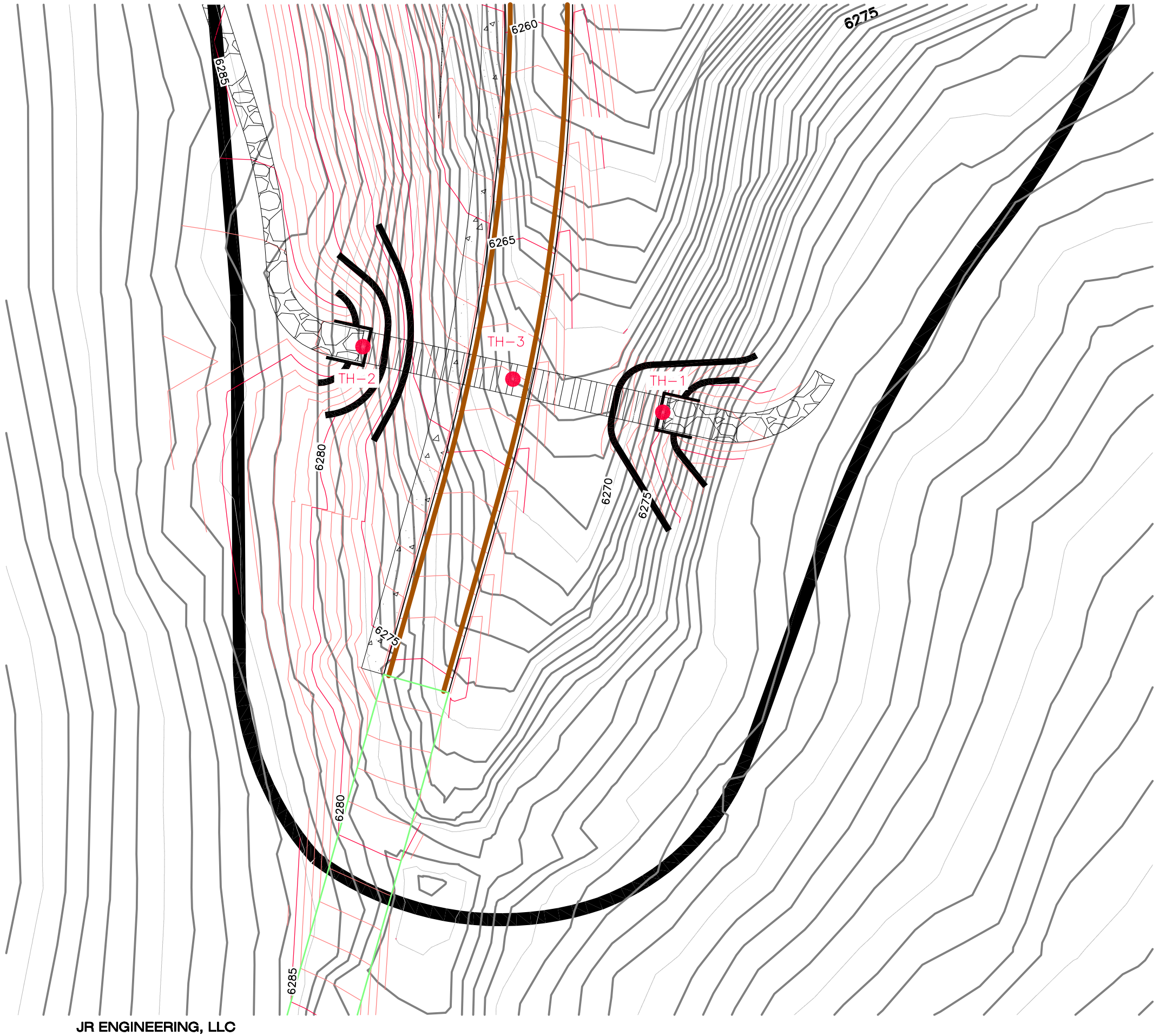
Robert J. Brown
Staff Geologist

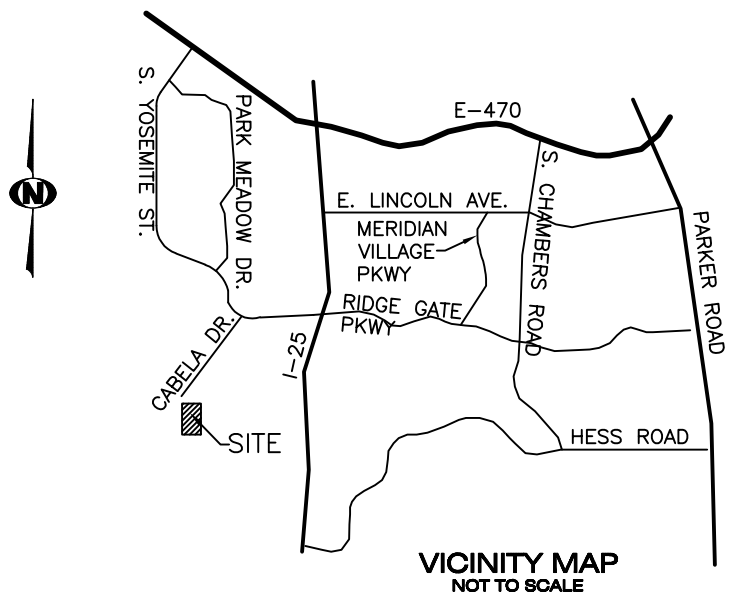
Reviewed by:



Erin Bouchet, P.E., P.G. 3/26/2026
Associate Engineer | Denver Engineering Manager

Via e-mail: krohrbough@jrengineering.com





VICINITY MAP
NOT TO SCALE

LEGEND:

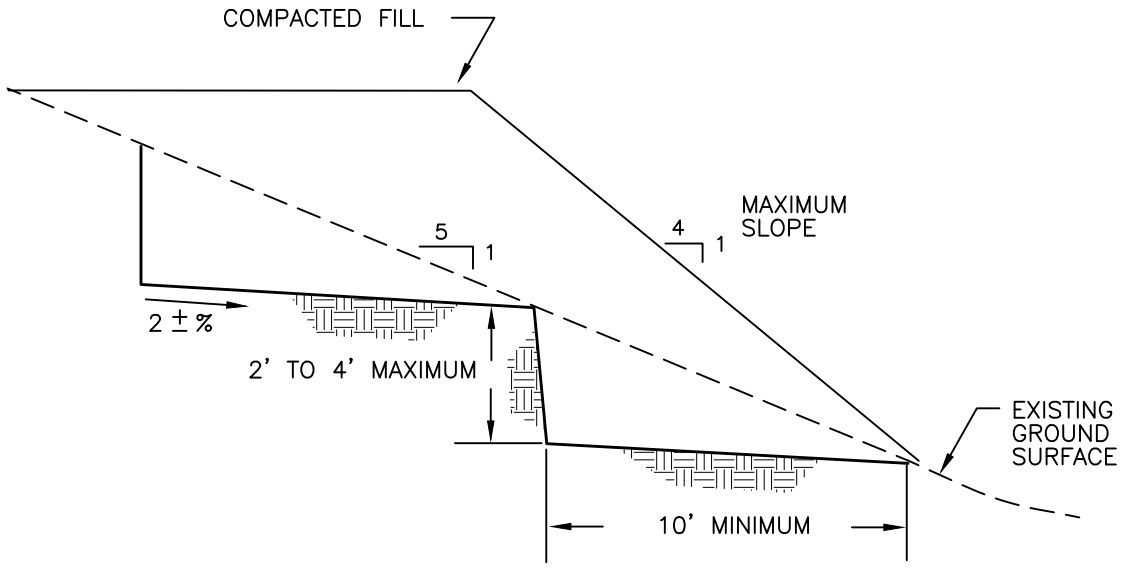
TH–1 APPROXIMATE LOCATION OF EXPLORATORY BORING

0 20′ 40′
SCALE: 1″ = 40′

Locations of Exploratory Borings Fig. 1

JR ENGINEERING, LLC
RIDGEGATE MESA TOPS PEDESTRIAN BRIDGE
CTL|T Project No. DN52,378-125-R1R

60-BENCHED-FILL_01



NOTES:

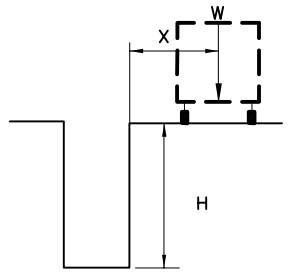
1) NATURAL SLOPES OF 20 PERCENT OR STEEPER ARE TO BE BENCHED PRIOR TO FILL PLACEMENT.

2) SLOPE BENCHES TO OUTSLOPE AT 2± PERCENT.

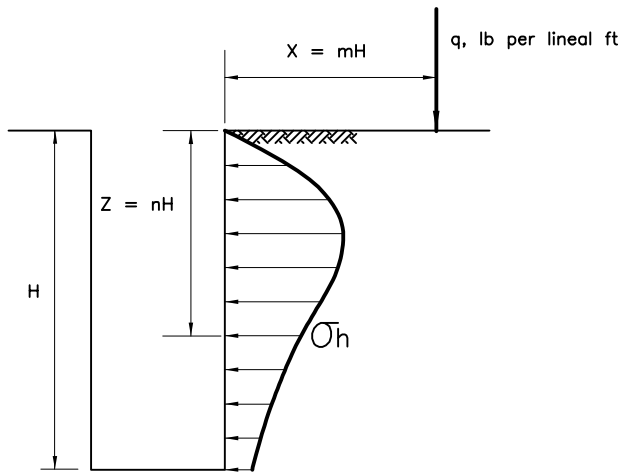
Benched Fill Detail

Fig. 2

JR ENGINEERING, LLC
RIDGEGATE MESA TOPS PEDESTRIAN BRIDGE
CTL|T Project No. DN52,378-125-R1R



W = TOTAL WEIGHT OF OBJECT
L or L_1 = LENGTH OF LOAD PARALLEL TO WALL/EXCAVATION
L_2 = LENGTH OF LOAD PERPENDICULAR TO WALL/EXCAVATION
X = DISTANCE FROM EDGE OF WALL/EXCAVATION MEASURED TO CENTER OF LOAD
H = TOTAL DEPTH OF WALL/EXCAVATION
Z = DEPTH OF WALL/EXCAVATION BELOW GROUND SURFACE



LATERAL PRESSURE AGAINST RIGID WALL DUE TO A LINE LOAD

q = LINE LOAD (plf)

$q = \frac{W}{L}$

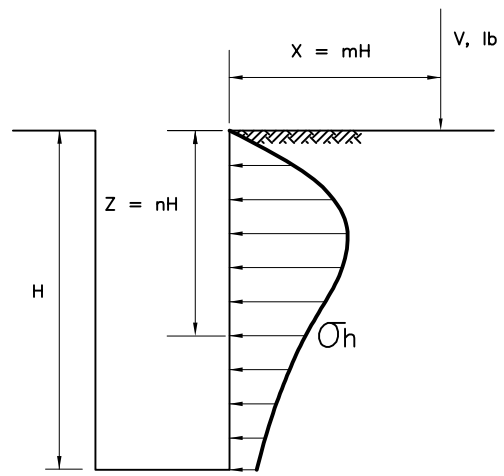
σ_h = LATERAL EARTH PRESSURE AT DEPTH Z DUE TO LINE LOAD q

FOR $m \leq 0.4$:

$$\sigma_h = \frac{q}{H} \times \frac{0.203n}{(0.16+n^2)^2}$$

FOR $m > 0.4$:

$$\sigma_h = \frac{4q}{\pi H} \times \frac{m^2 n}{(m^2+n^2)^2}$$



LATERAL PRESSURE AGAINST RIGID WALL DUE TO A POINT LOAD

V = POINT LOAD (lb)

V = W

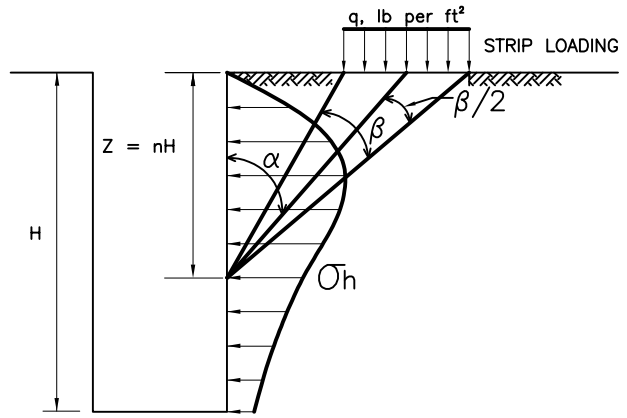
σ_h = LATERAL EARTH PRESSURE AT DEPTH Z DUE TO POINT LOAD V

FOR $m \leq 0.4$:

$$\sigma_h = \frac{0.28V}{H^2} \times \frac{n^2}{(0.16+n^2)^3}$$

FOR $m > 0.4$:

$$\sigma_h = \frac{1.77V}{H^2} \times \frac{m^2 n^2}{(m^2+n^2)^3}$$



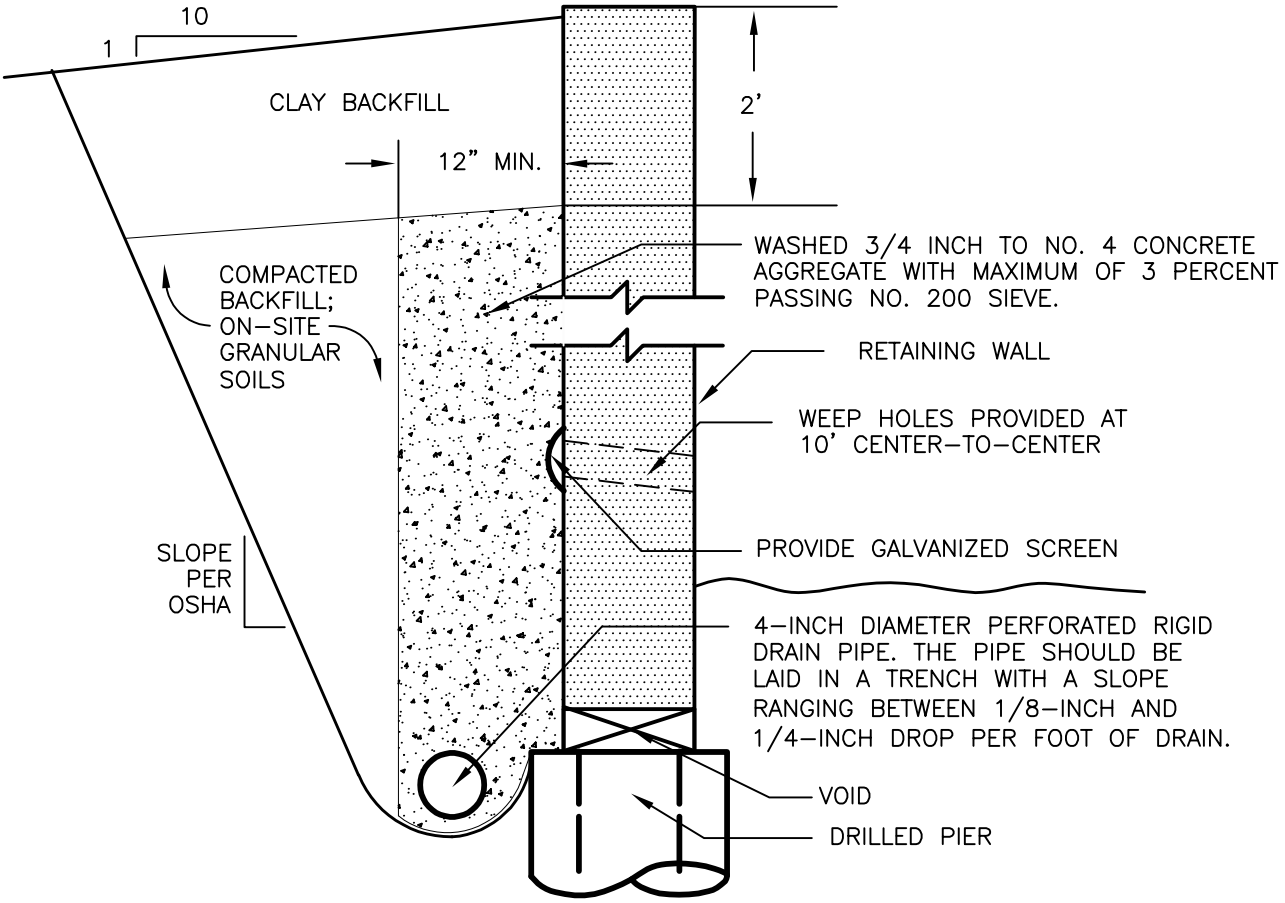
LATERAL PRESSURE AGAINST RIGID WALL DUE TO A STRIP LOAD

q = STRIP LOAD (psf)

$q = \frac{W}{L_1 L_2}$

σ_h = LATERAL EARTH PRESSURE AT DEPTH Z DUE TO STRIP LOAD q

$$\sigma_h = \frac{2q}{\pi} (\beta - \sin\beta\cos 2\alpha)$$



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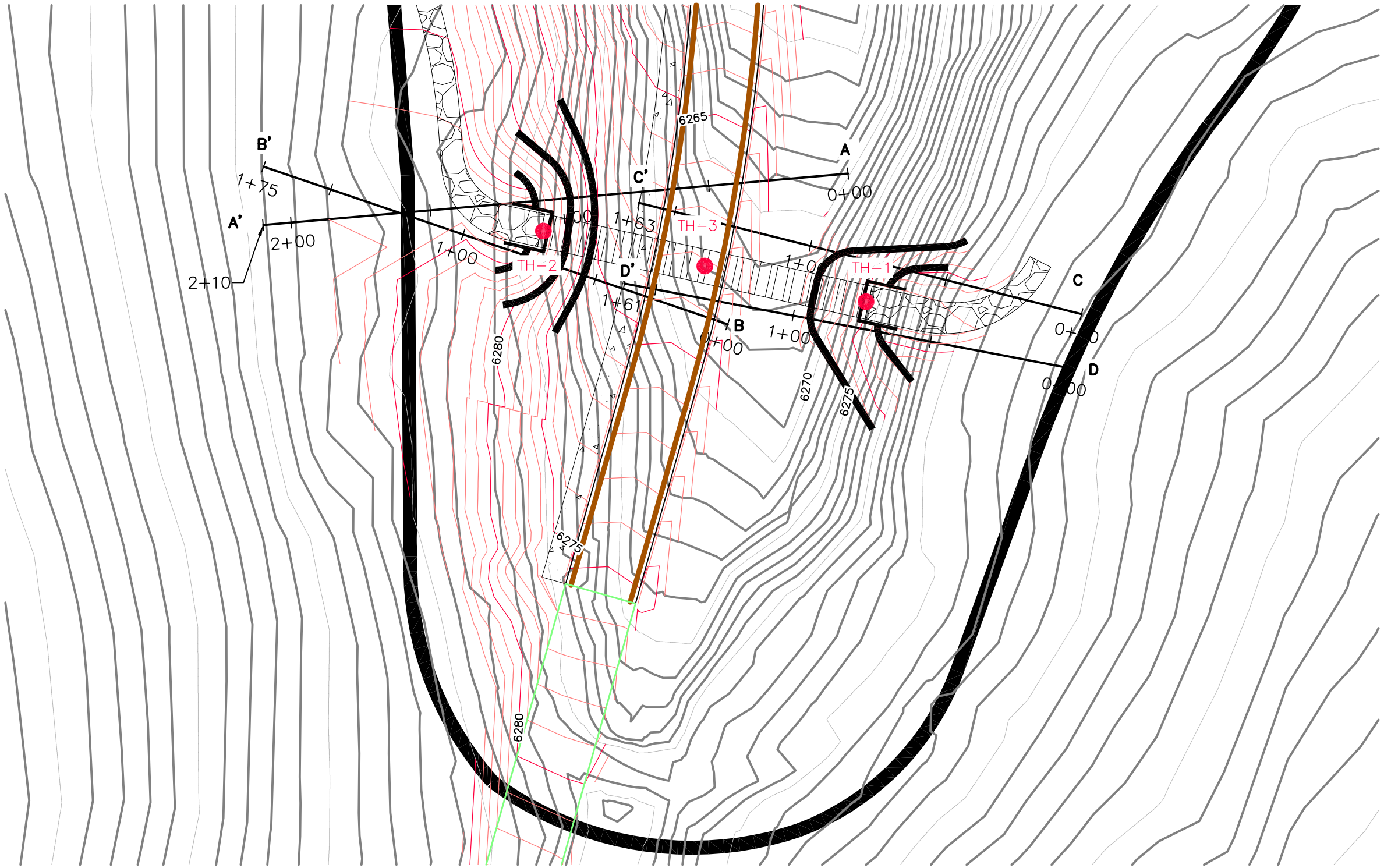
CTL|T Project No. DN52,378-125-R1R

Typical Earth Retaining Wall Drain

Fig. 4



N

0 20' 40'

SCALE: 1" = 40'

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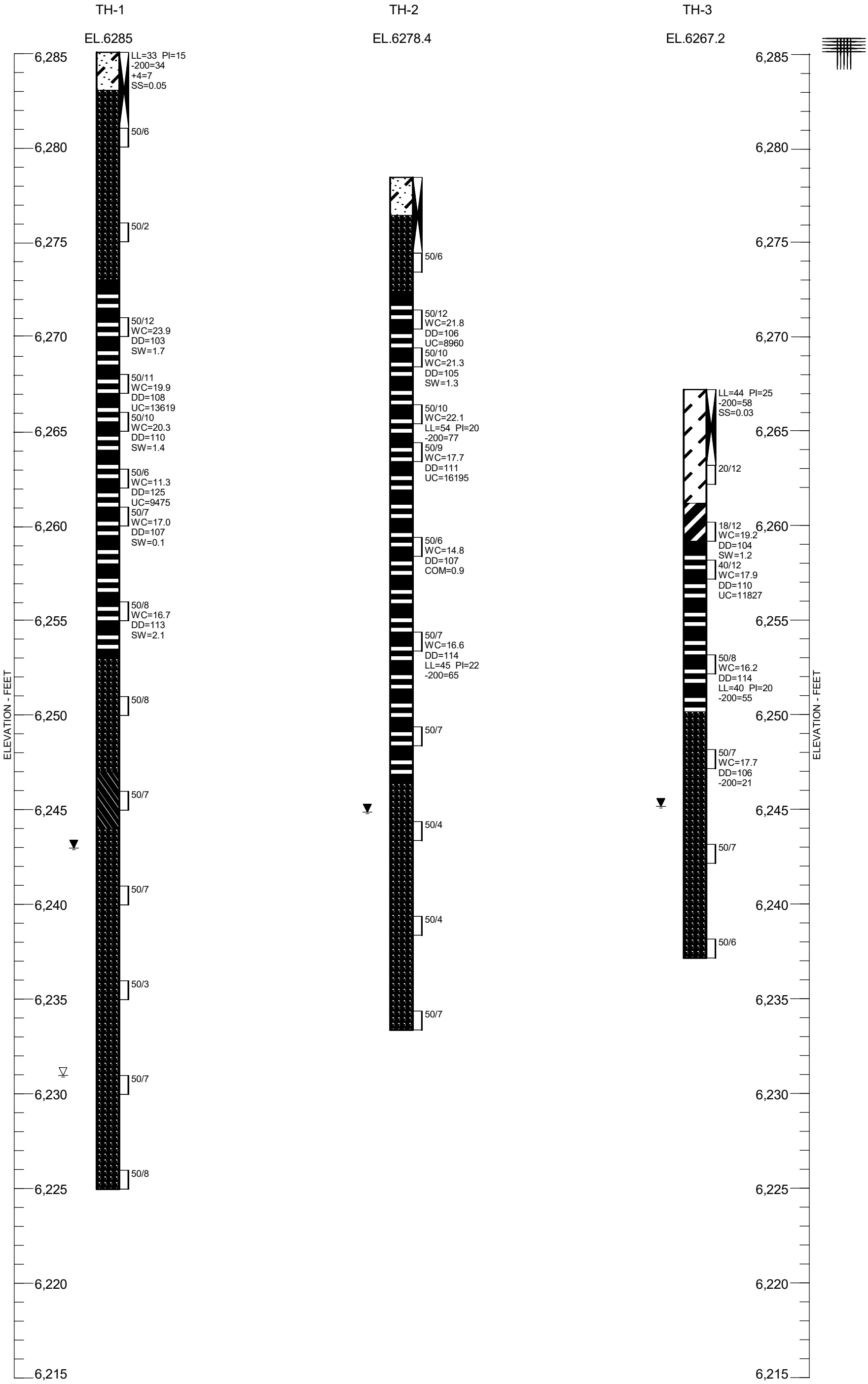
CTL|T Project No. DN52,378-125-R1R

Cross Section Locations Fig. 5

APPENDIX A

SUMMARY LOGS OF EXPLORATORY BORINGS



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CTL|T PROJECT NO. DN52,378-125-R1R

SUMMARY LOGS OF EXPLORATORY BORINGS

FIG. A-1

LEGEND:


CLAY, SANDY, VERY STIFF, MOIST, DARK BROWN (CL).


SAND CLAYEY, SLIGHTLY MOIST, TAN, BROWN (SC).


WEATHERED BEDROCK CLAYSTONE, MOIST, GRAY.


BEDROCK, CLAYSTONE, SILTY AT TIMES, MEDIUM HARD TO VERY HARD, MOIST, GRAY, RUST, TAN, WHITE.


BEDROCK SANDSTONE, MAY CONTAIN THIN LENSES OF INTERBEDDED CLAYSTONE, HARD TO VERY HARD, SLIGHTLY MOIST TO VERY MOIST, TAN, RUST, WHITE.


BEDROCK, INTERBEDDED CLAYSTONE/SANDSTONE, HARD, MOIST, GRAY.


DRIVE SAMPLE. THE SYMBOL 50/6 INDICATES 50 BLOWS OF A 140-POUND HAMMER FALLING 30 INCHES WERE REQUIRED TO DRIVE A 2.5-INCH O.D. SAMPLER 6 INCHES.


INDICATES BULK SAMPLE OBTAINED FROM AUGER CUTTINGS.


WATER LEVEL MEASURED AT TIME OF DRILLING.


WATER LEVEL MEASURED AFTER DRILLING ON MAY 21, 2025.

NOTES:

1. THE BORINGS WERE DRILLED MAY 16, 2025 USING A 4-INCH DIAMETER, CONTINUOUS-FLIGHT SOLID-STEM AUGER AND TRUCK-MOUNTED CME-45 DRILL RIG.

2. BORING LOCATIONS AND ELEVATIONS ARE APPROXIMATE AND WERE DETERMINED BY A REPRESENTATIVE OF OUR FIRM USING A LEICA GS18 GPS UNIT REFERENCING THE NORTH AMERICAN DATUM OF 1983 (NAD83).

3. WC - INDICATES MOISTURE CONTENT (%).
   DD - INDICATES DRY DENSITY (PCF).
   SW - INDICATES SWELL WHEN WETTED UNDER APPROXIMATE OVERBURDEN PRESSURE (%).
   COM - INDICATES COMPRESSION WHEN WETTED UNDER APPROXIMATE OVERBURDEN PRESSURE (%).
   LL - INDICATES LIQUID LIMIT.
   PI - INDICATES PLASTICITY INDEX.
   -200 - INDICATES PASSING NO. 200 SIEVE (%).
   +4 - INDICATES RETAINED ON NO. 4 SIEVE (%).
   SS - INDICATES WATER-SOLUBLE SULFATE CONTENT (%).
   UC - INDICATES UNCONFINED COMPRESSIVE STRENGTH (PSF).

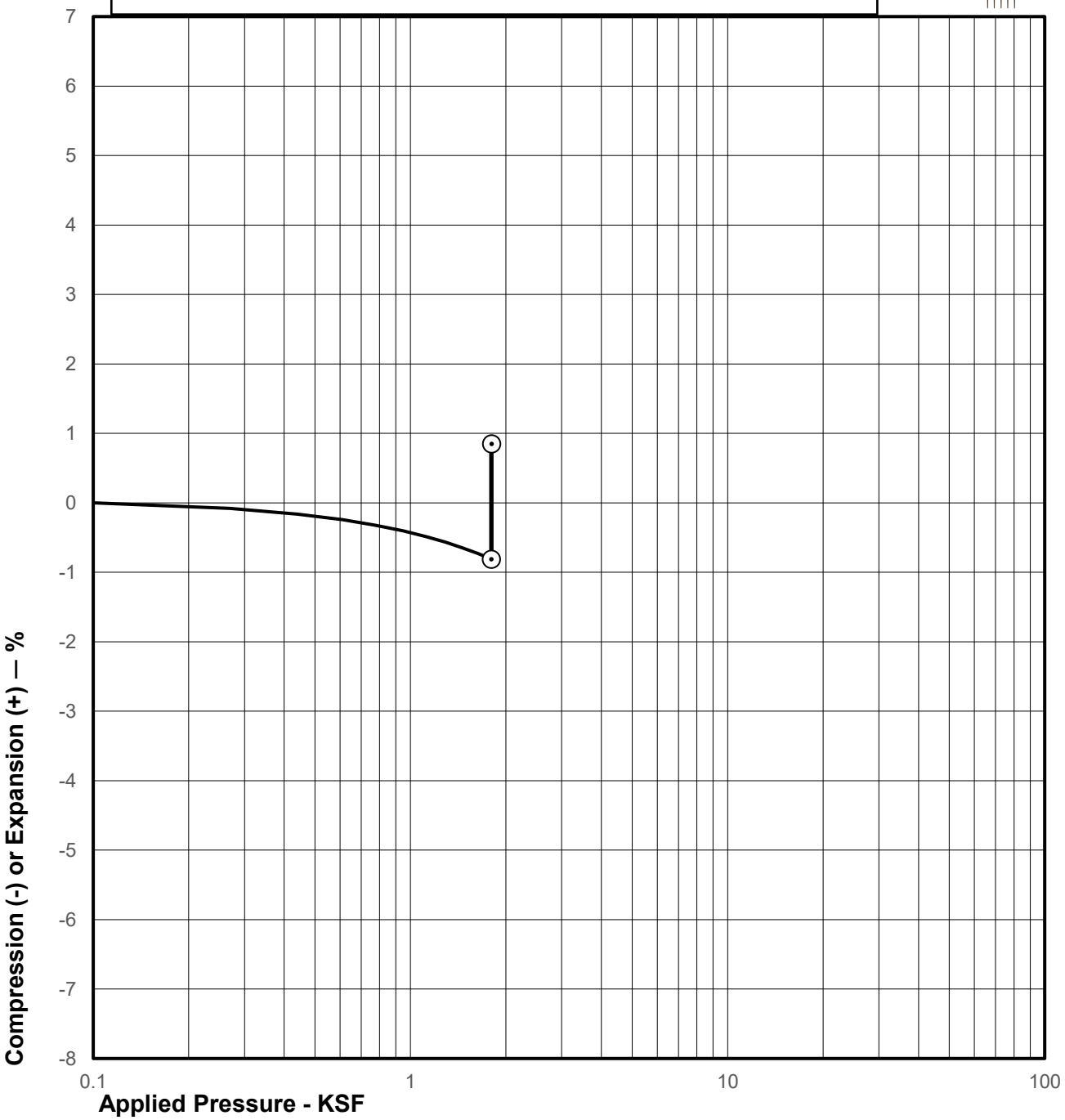
4. THESE LOGS ARE SUBJECT TO THE EXPLANATIONS, LIMITATIONS, AND CONCLUSIONS AS CONTAINED IN THIS REPORT.

APPENDIX B

LABORATORY TEST RESULTS

TABLE B-I – SUMMARY OF LABORATORY TEST RESULTS

Sample exhibited expansion of 1.7 percent when wetted under an applied pressure of 1800 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-1 AT 14 FEET

MOISTURE CONTENT:	23.9 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	103 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

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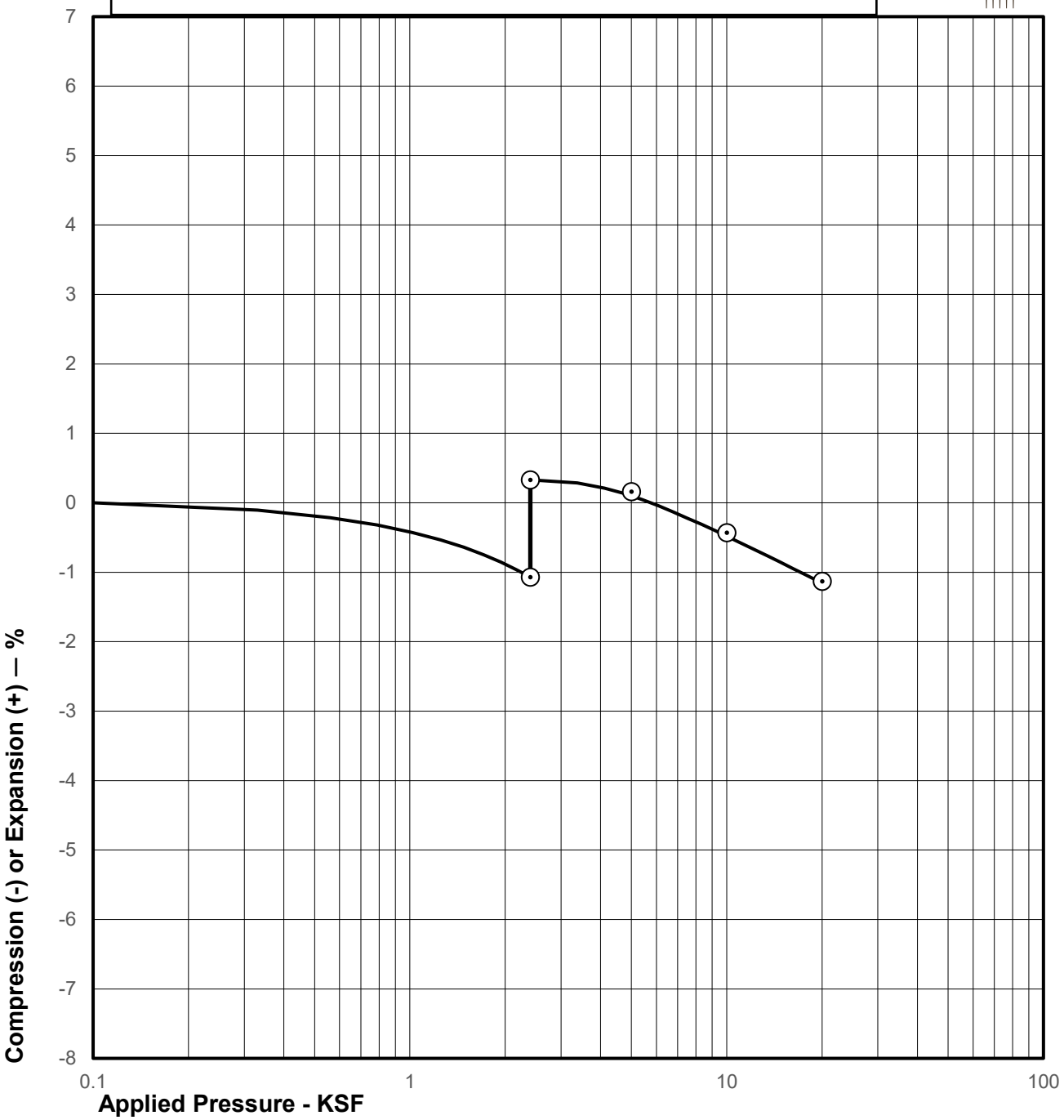
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-1

Sample exhibited expansion of 1.4 percent when wetted under an applied pressure of 2400 psf, with a calculated swell pressure of 19500 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-1 AT 19 FEET

MOISTURE CONTENT:	20.3 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	110 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

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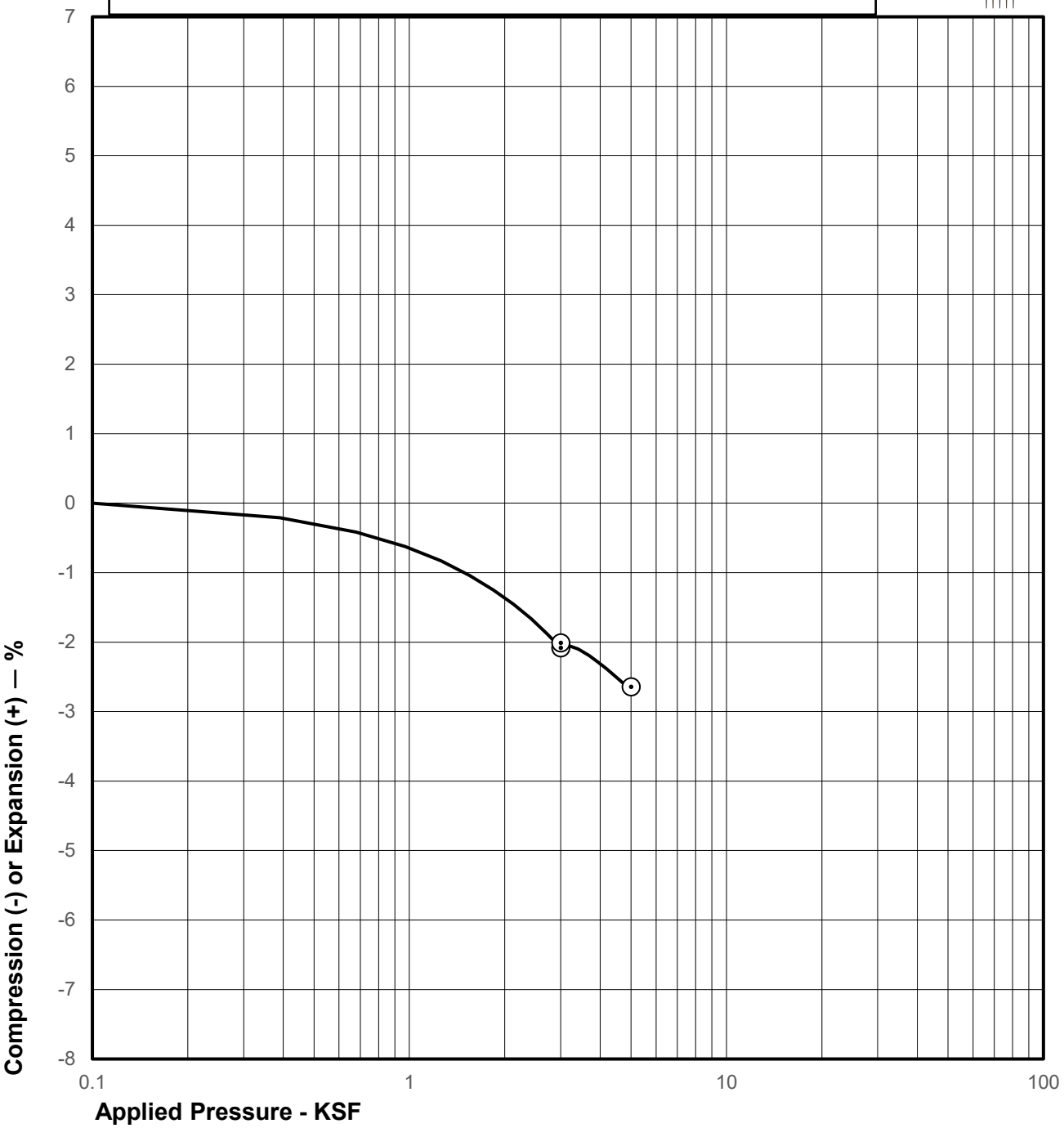
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-2

Sample exhibited expansion of 0.1 percent when wetted under an applied pressure of 3000.0 psf, with a calculated swell pressure of 3400 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-1 AT 24 FEET

MOISTURE CONTENT:	17.0 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	107 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

JR ENGINEERING, LLC
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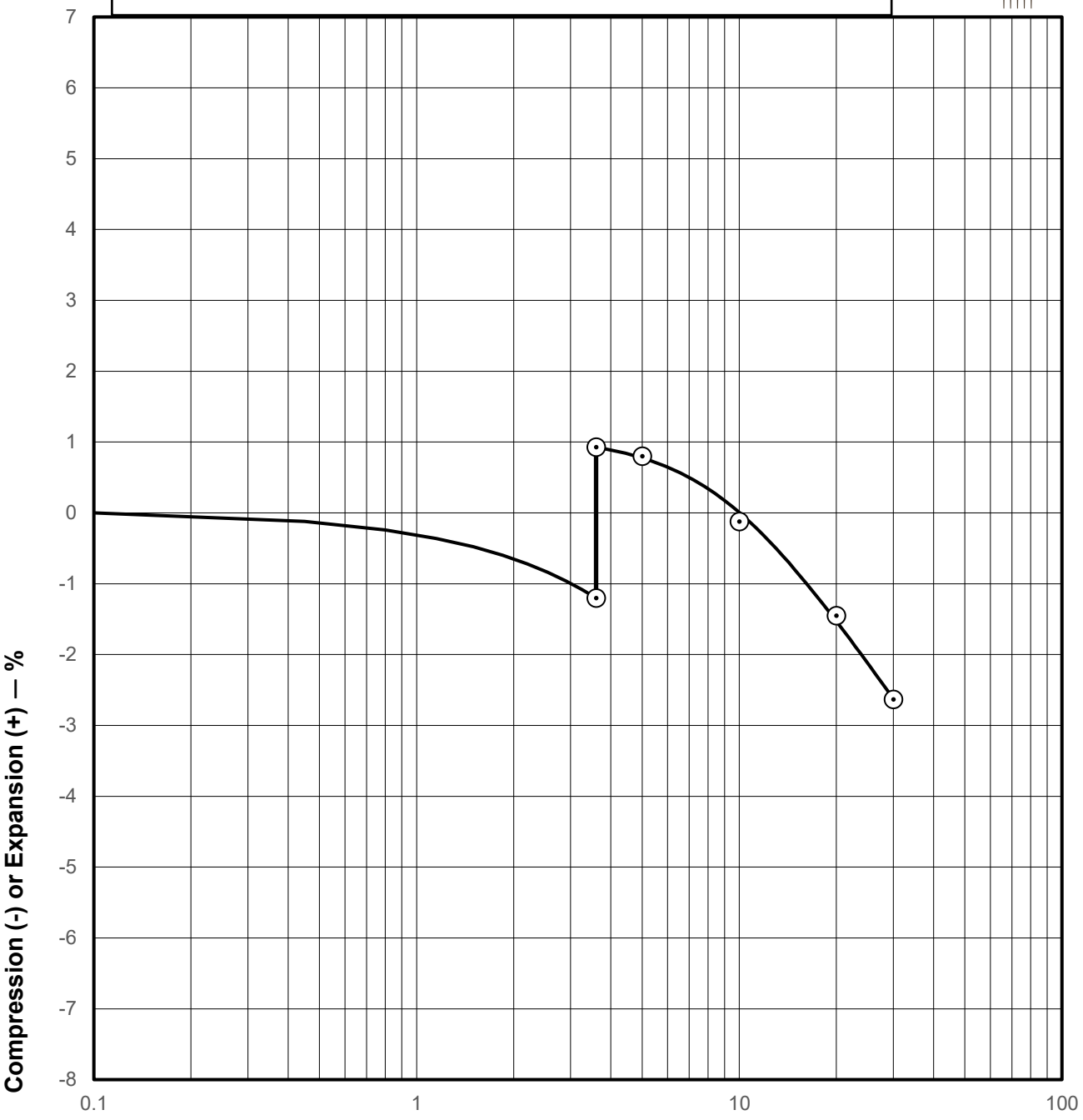
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-3

Sample exhibited expansion of 2.1 percent when wetted under an applied pressure of 3600 psf, with a calculated swell pressure of 17500 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-1 AT 29 FEET

MOISTURE CONTENT:	16.7 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	113 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

JR ENGINEERING, LLC
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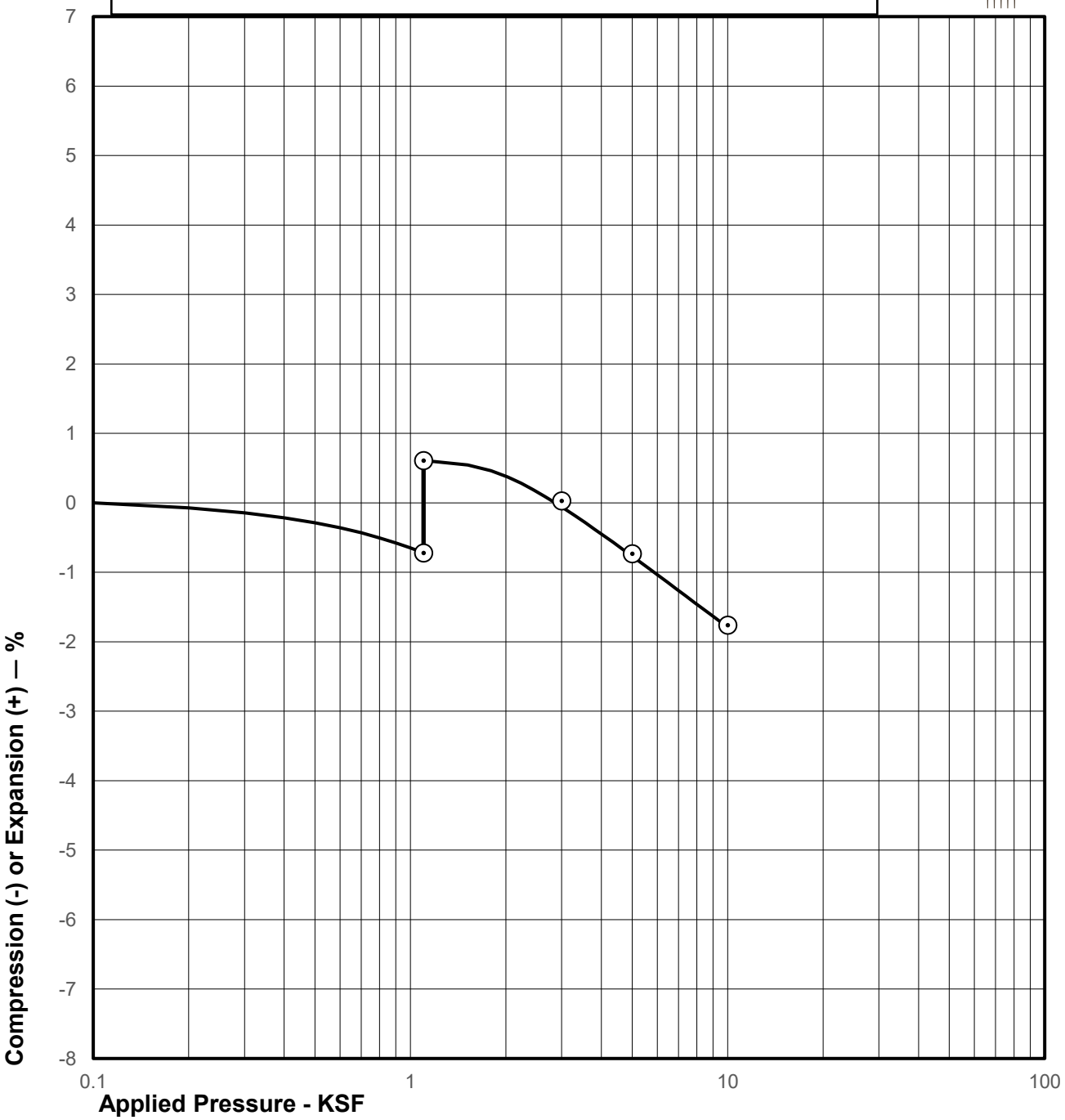
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-4

Sample exhibited expansion of 1.3 percent when wetted under an applied pressure of 1100 psf, with a calculated swell pressure of 4700 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-2 AT 9 FEET

MOISTURE CONTENT:	21.3 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	105 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

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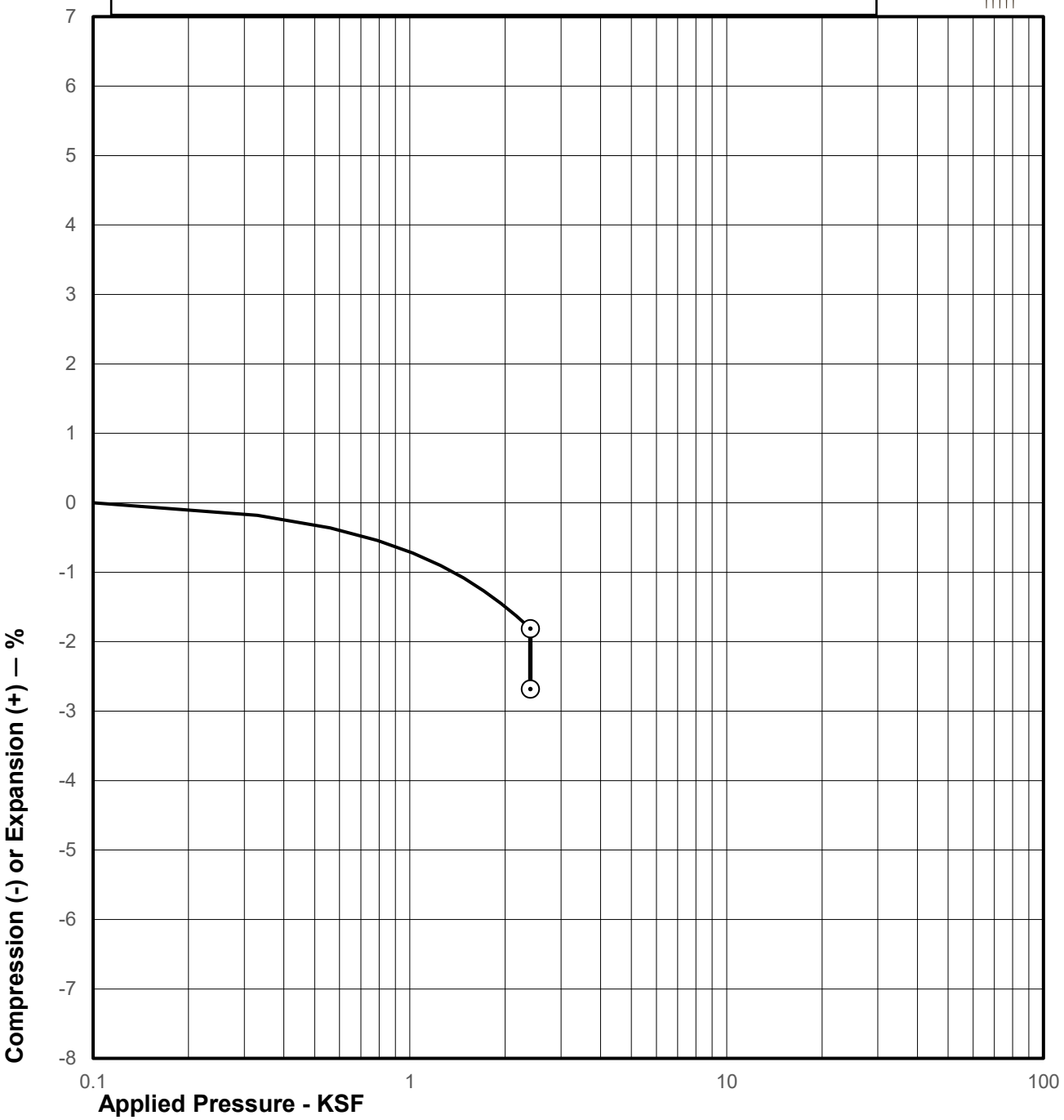
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-5

Sample exhibited compression of 0.9 percent when wetted under an applied pressure of 2400 psf.



SAMPLE OF: CLAYSTONE

FROM: TH-2 AT 19 FEET

MOISTURE CONTENT:	14.8 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	107 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

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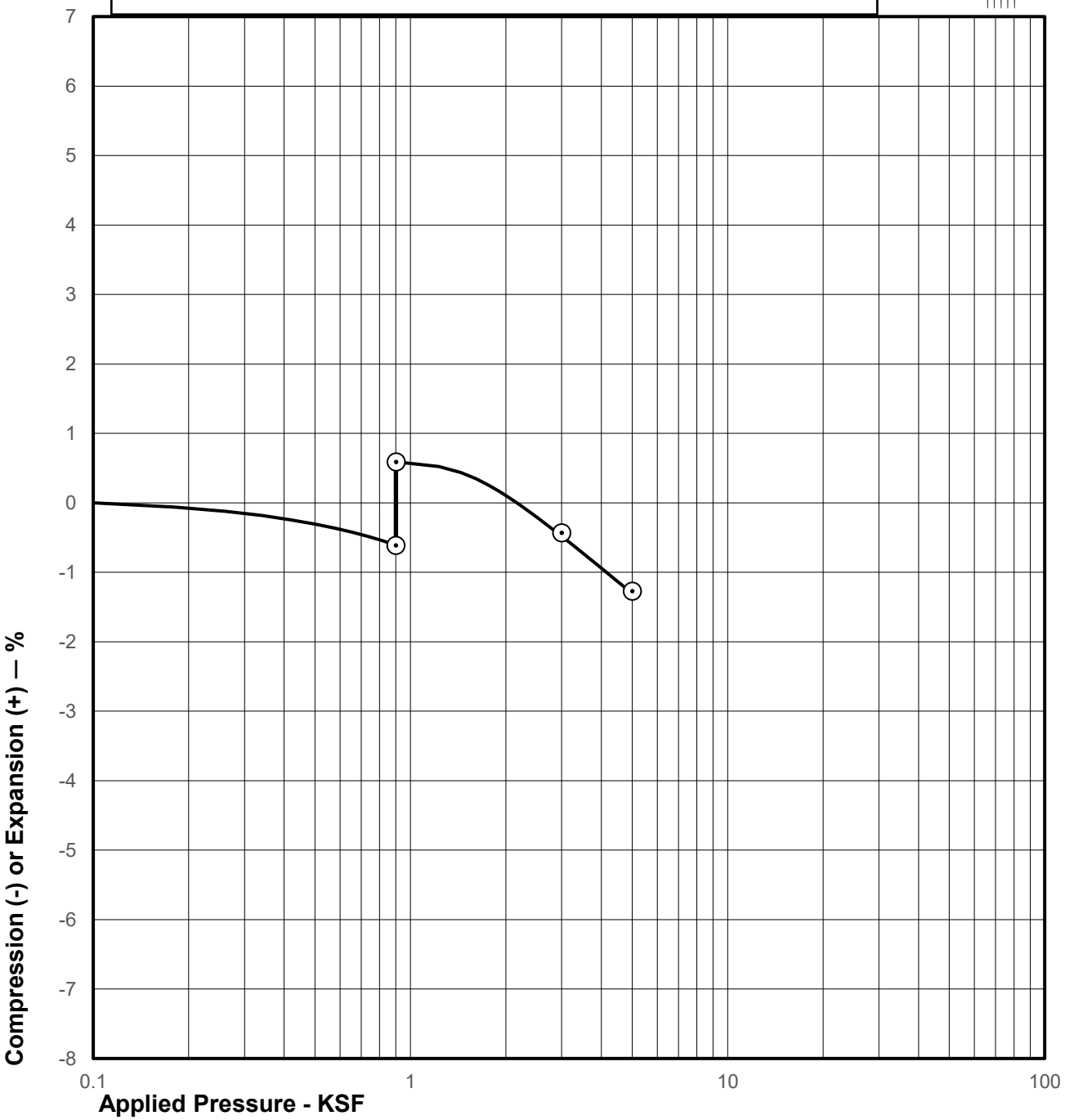
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-6

Sample exhibited expansion of 1.2 percent when wetted under an applied pressure of 900 psf, with a calculated swell pressure of 3300 psf.



SAMPLE OF: WEATHERED CLAYSTONE

FROM: TH-3 AT 7 FEET

MOISTURE CONTENT:	19.2 %	LIQUID LIMIT:		SILT AND CLAY:	%
DRY UNIT WEIGHT:	104 pcf	PLASTICITY INDEX:		SOIL SUCTION:	pF

Swell Consolidation Test Results

JR ENGINEERING, LLC
RIDGEGATE MESA TOPS PEDESTRIAN BRIDGE
CTL|T PROJECT NO. DN52,378-125-R1R

FIG. B-7

TABLE B - I

SUMMARY OF LABORATORY TEST RESULTS

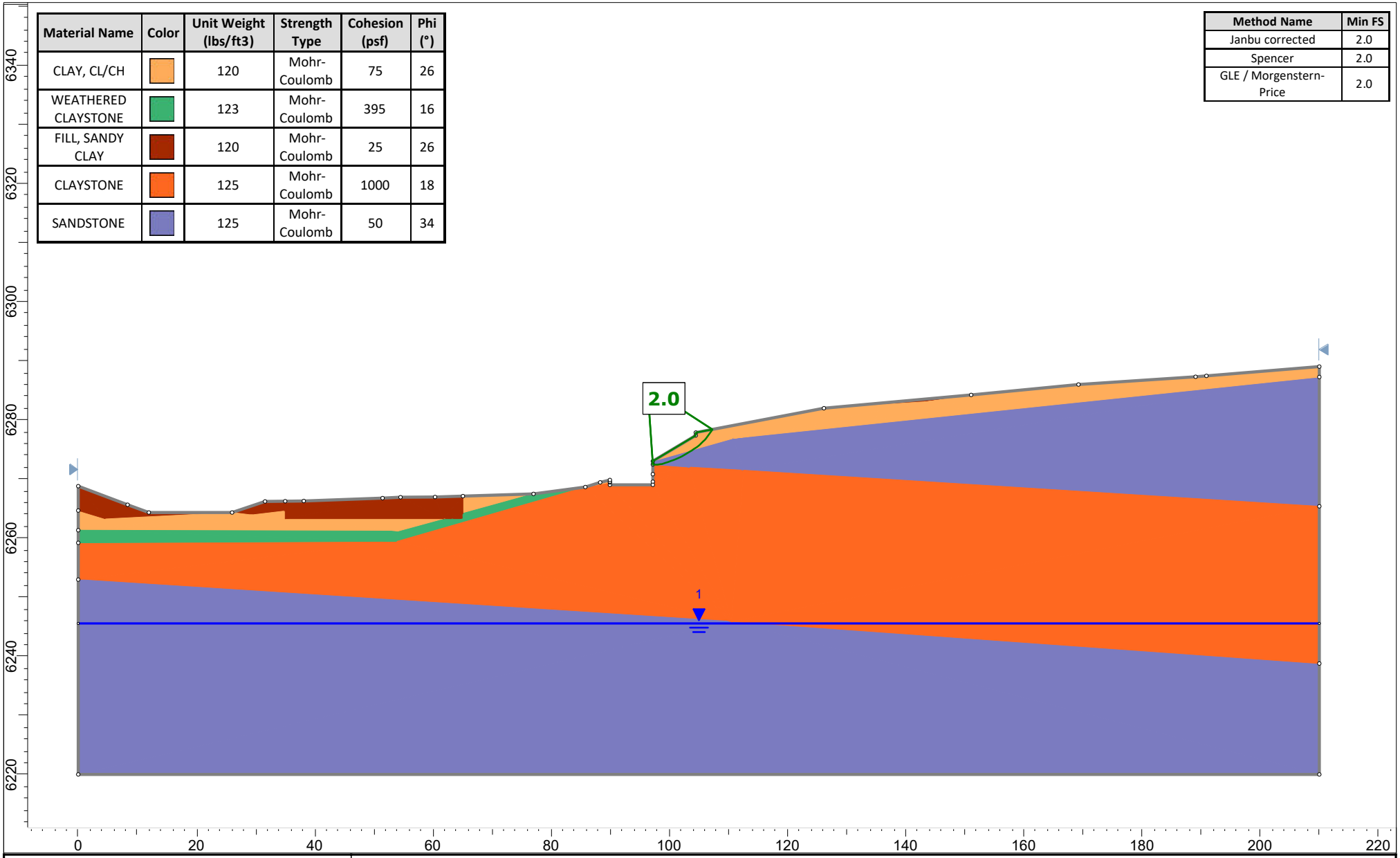
BORING	DEPTH (ft)	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	SWELL TEST DATA				ATTERBERG LIMITS		UNCONFINED COMPRESSIVE STRENGTH (psf)	SOLUBLE SULFATE CONTENT (%)	RETAINED NO. 4 SIEVE (%)	PASSING NO. 200 SIEVE (%)	SOIL TYPE
				SWELL (%)	COMPRESSION (%)	APPLIED PRESSURE (psf)	SWELL PRESSURE (psf)	LIQUID LIMIT	PLASTICITY INDEX					
TH-1	0-5							33	15		0.05	7	34	SAND, CLAYEY (SC)
TH-1	14	23.9	103	1.7		1800								CLAYSTONE
TH-1	17	19.9	108							13620				CLAYSTONE
TH-1	19	20.3	110	1.4		2400	19500							CLAYSTONE
TH-1	22	11.3	125							9480				CLAYSTONE
TH-1	24	17.0	107	0.1		3000	3400							CLAYSTONE
TH-1	29	16.7	113	2.1		3600	17500							CLAYSTONE
TH-2	7	21.8	106							8960				CLAYSTONE
TH-2	9	21.3	105	1.3		1100	4700							CLAYSTONE
TH-2	12	22.1						54	20				77	CLAYSTONE
TH-2	14	17.7	111							16200				CLAYSTONE
TH-2	19	14.8	107		0.9	2400								CLAYSTONE
TH-2	24	16.6	114					45	22				65	CLAYSTONE
TH-3	0-5							44	25		0.03		58	CLAY, SANDY (CL)
TH-3	7	19.2	104	1.2		900	3300							WEATHERED CLAYSTONE
TH-3	9	17.9	110							11830				CLAYSTONE
TH-3	14	16.2	114					40	20				55	CLAYSTONE
TH-3	19	17.7	106										21	SANDSTONE

APPENDIX C

SLOPE STABILITY RESULTS

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.0
Spencer	2.0
GLE / Morgenstern-Price	2.0



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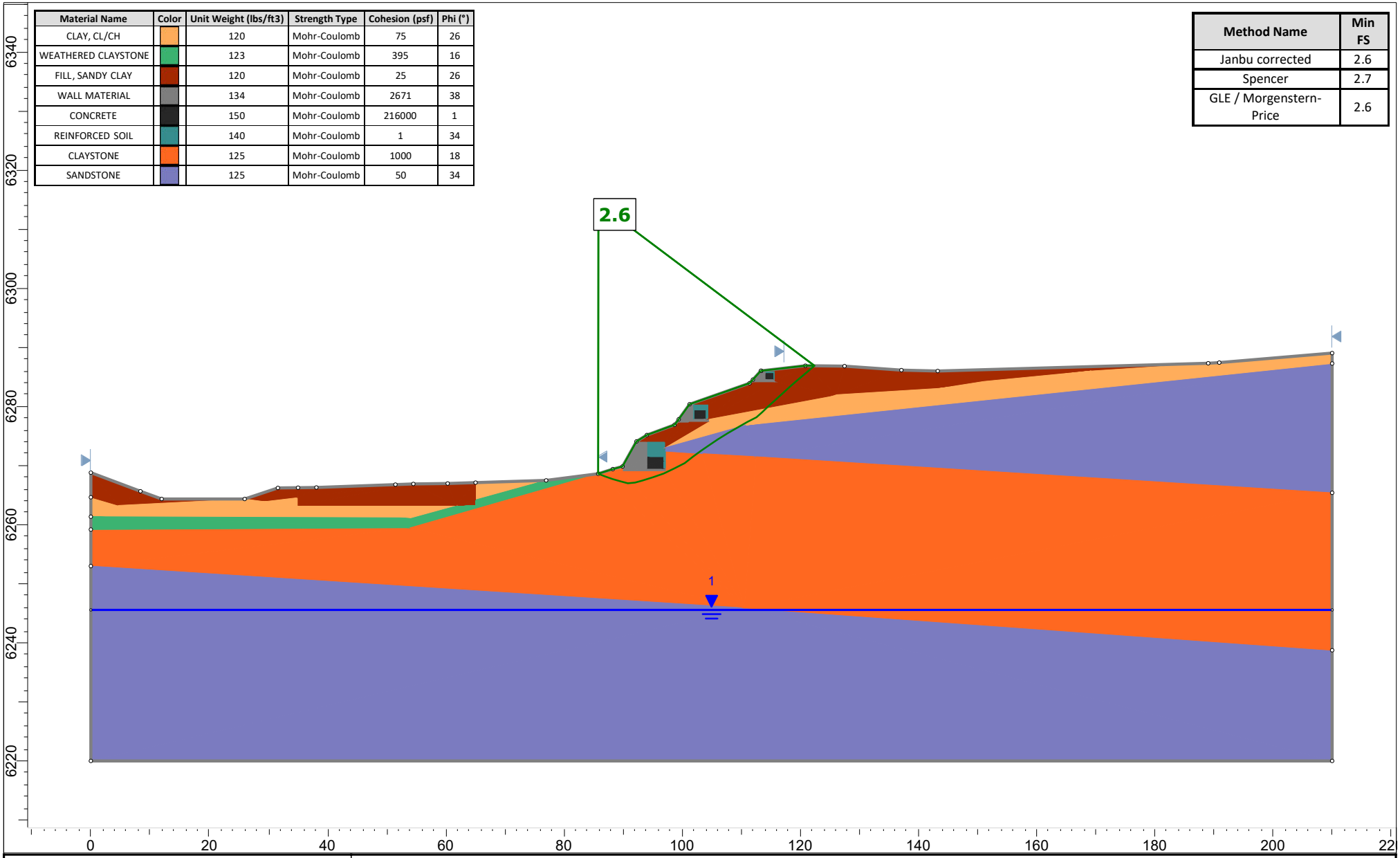
Project Section A-A' - Interim		
Analysis Description		
Drawn By	*Scale* 1:270	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



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Project

Section A-A' - Proposed

Analysis Description

Drawn By

Scale 1:270

Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
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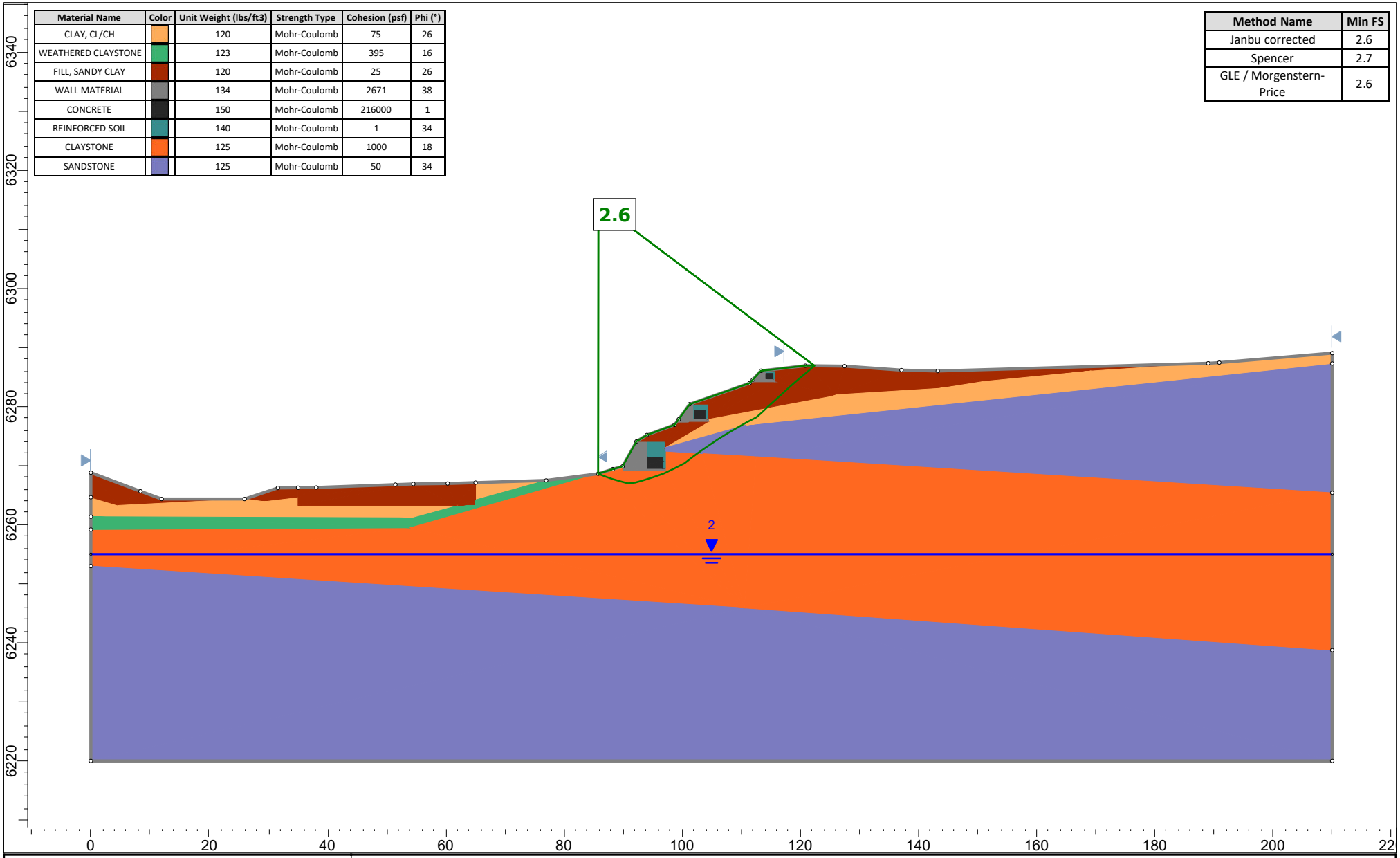
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



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Project

Section A-A' - Proposed

Analysis Description

Drawn By

Scale 1:270

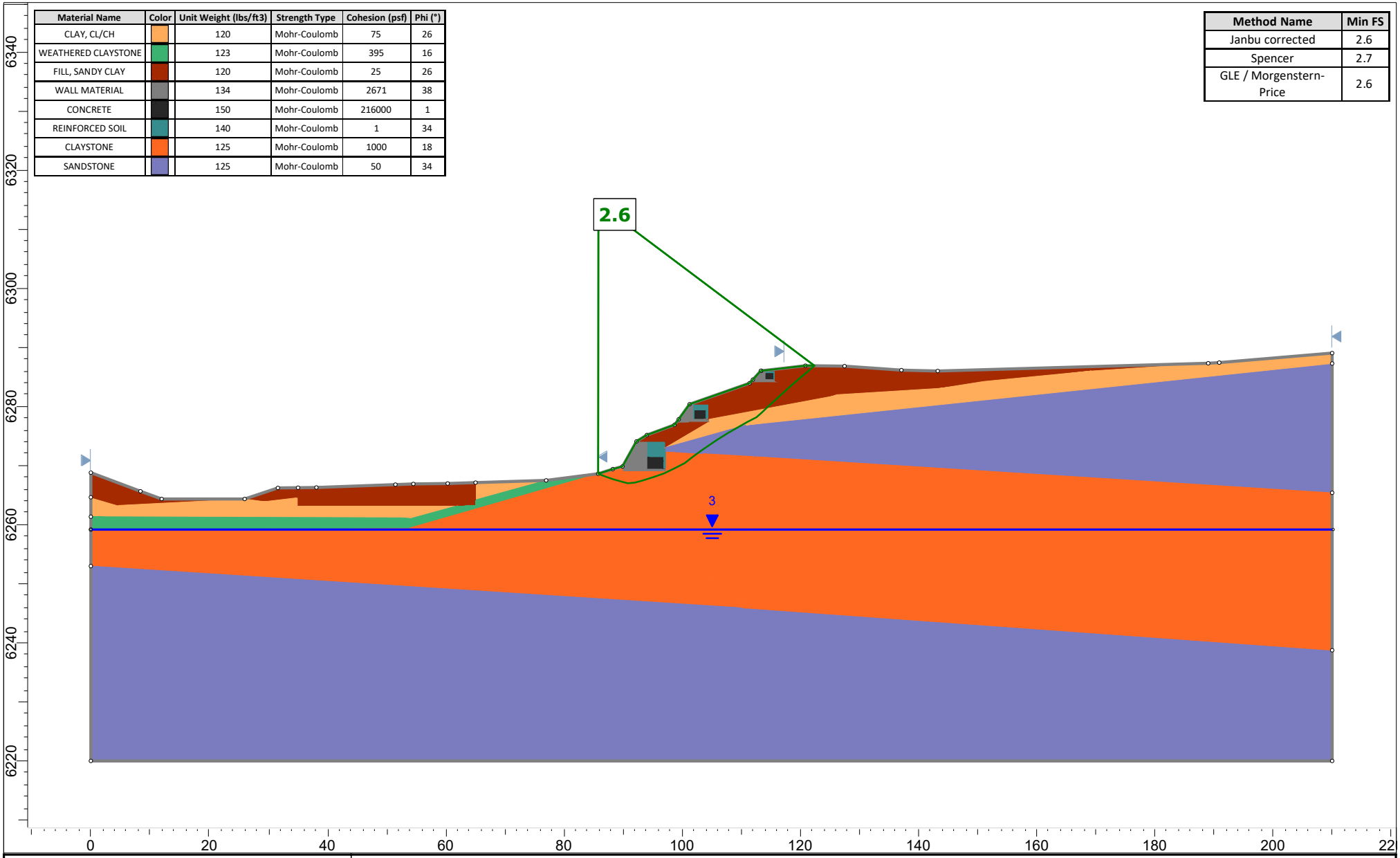
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



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Project Section A-A' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:270	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
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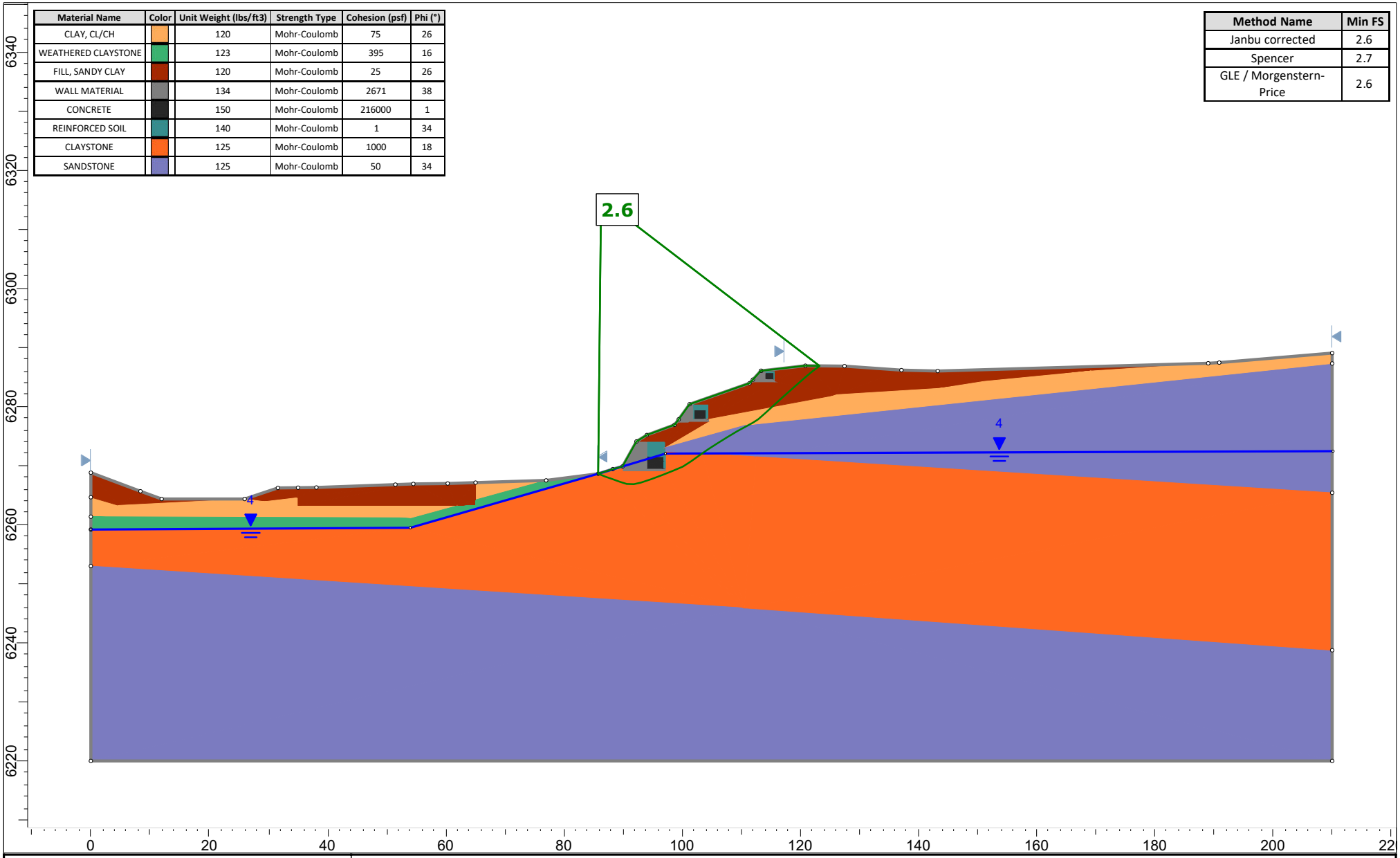
Spencer	2.7
GLE / Morgenstern-Price	2.6



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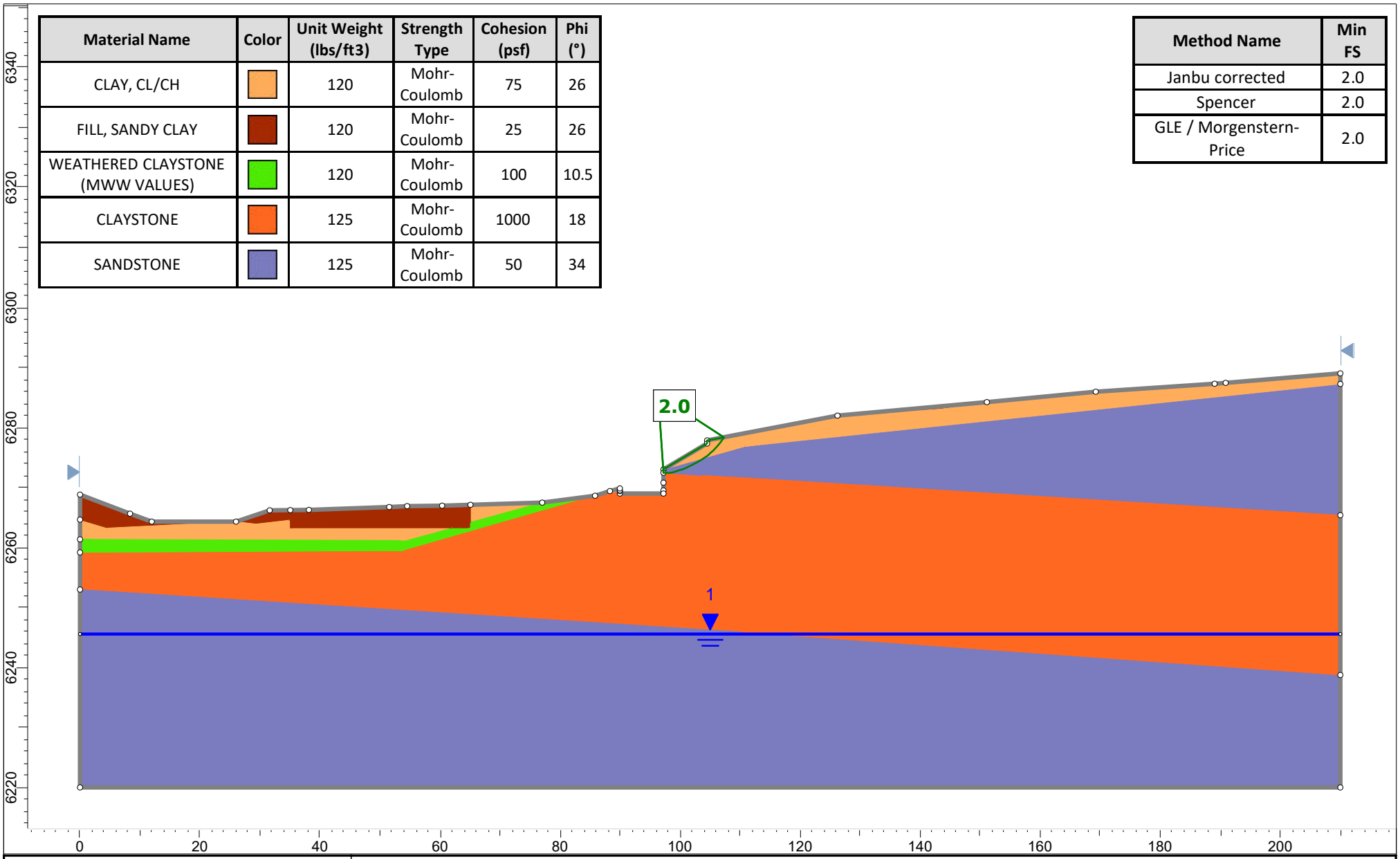
Project Section A-A' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:270	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.0
Spencer	2.0
GLE / Morgenstern-Price	2.0



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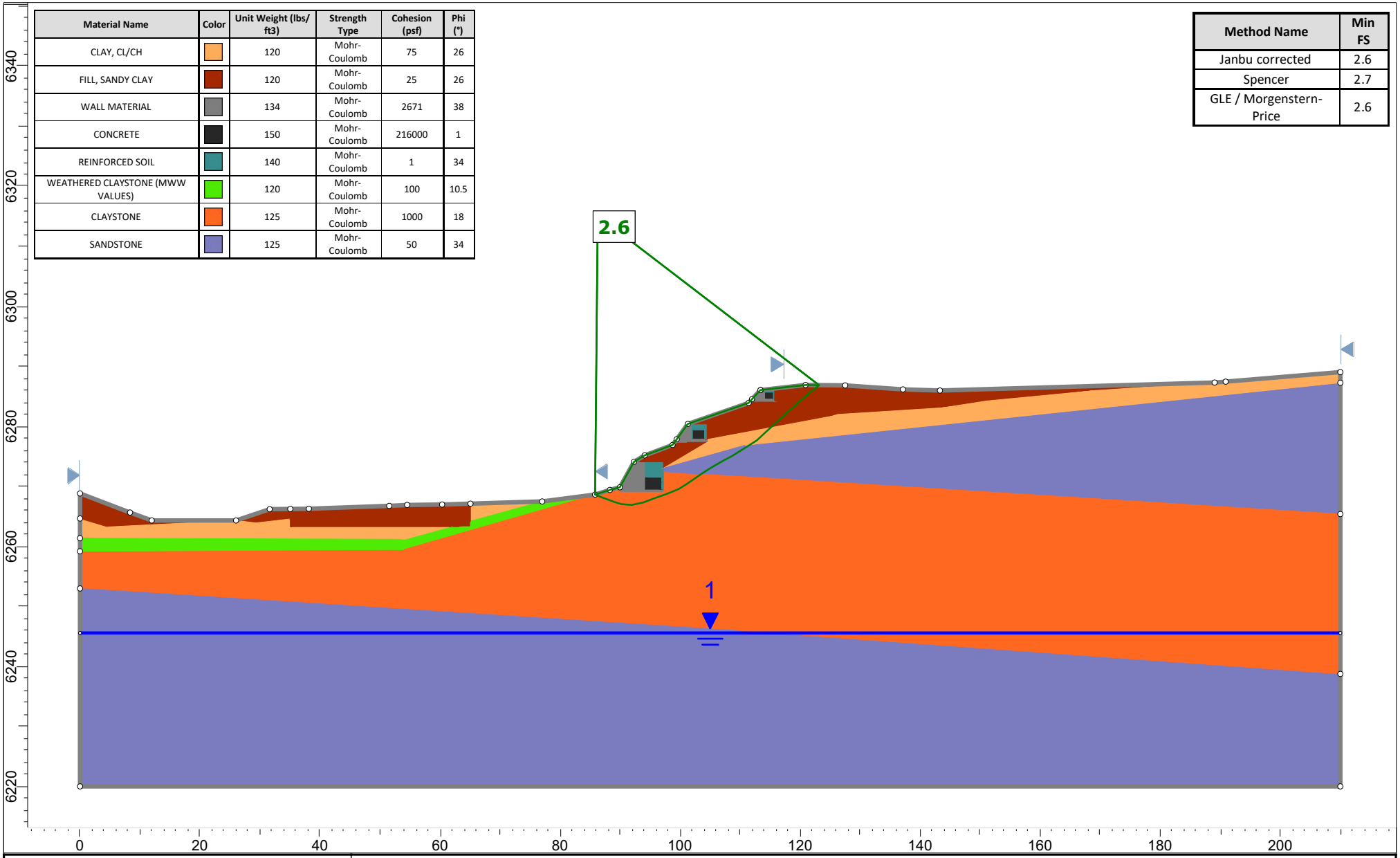
Project: Section A-A' - Interim		
Analysis Description		
Drawn By	Scale: 1:266	Company
Date		File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



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Project

Section A-A' - Proposed

Analysis Description

Drawn By

Scale 1:266

Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
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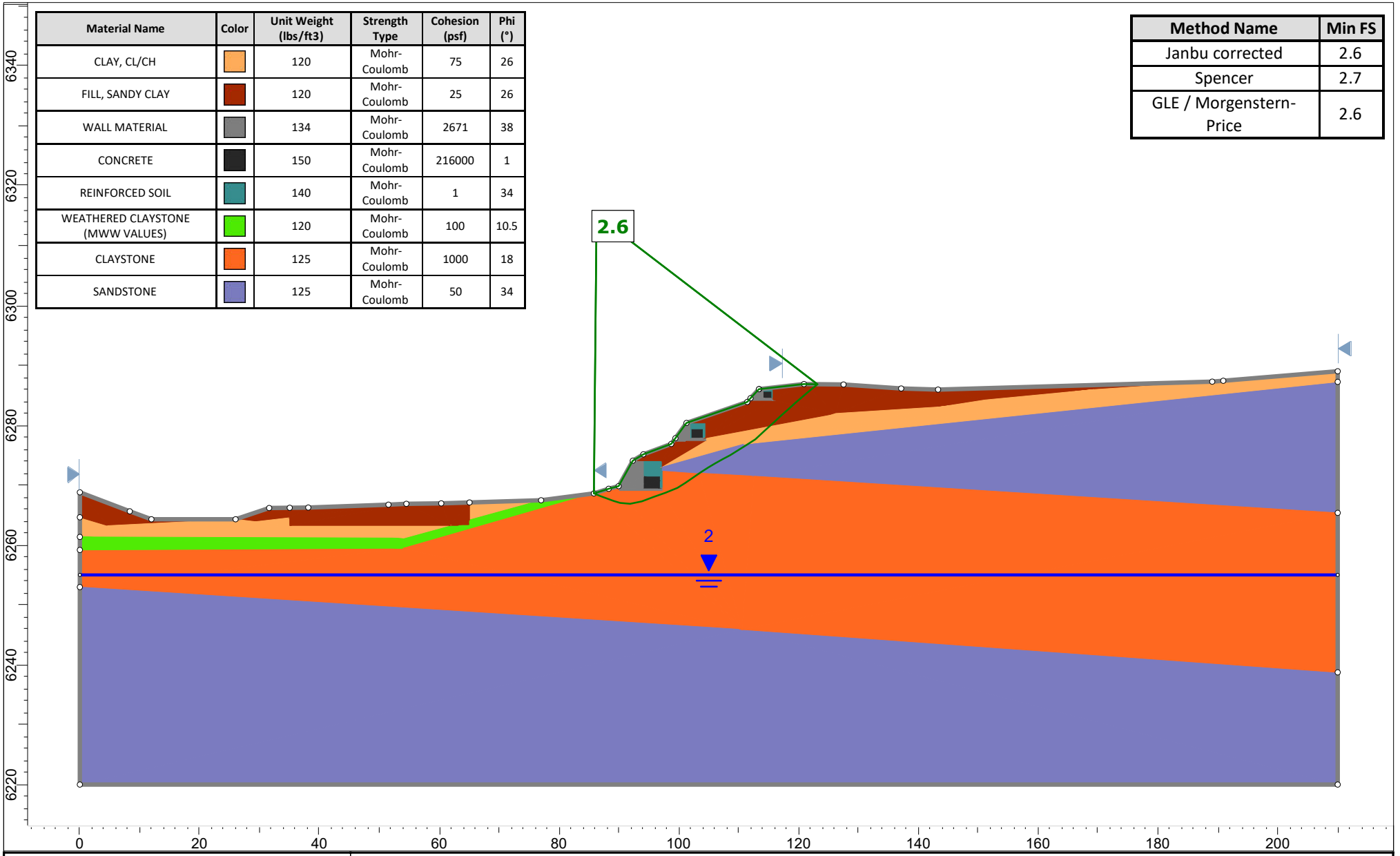
Spencer	2.7
GLE / Morgenstern-Price	2.6



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section A-A' - Proposed

Analysis Description

Drawn By

Scale 1:266

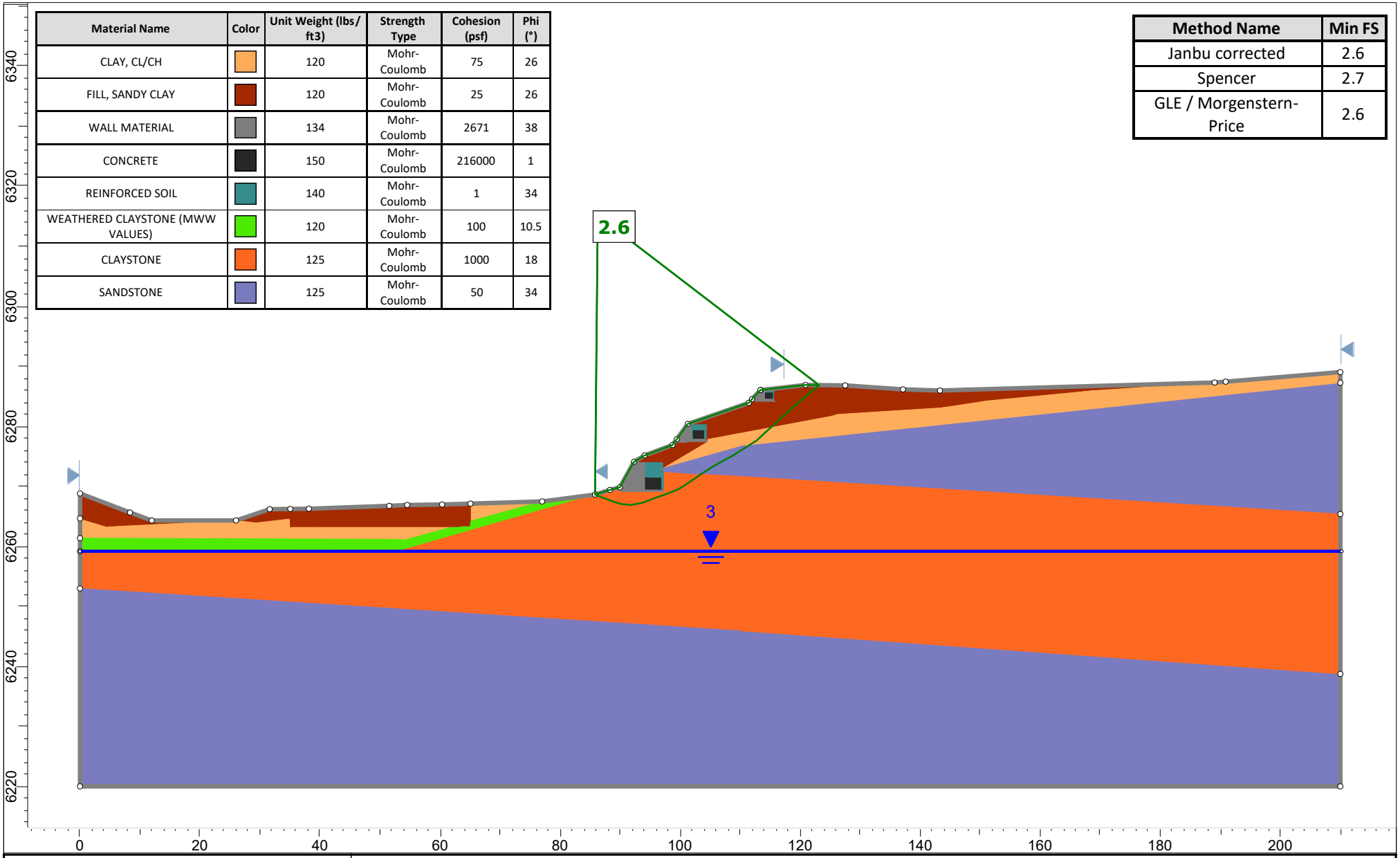
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section A-A' - Proposed

Analysis Description

Drawn By

Scale 1:266

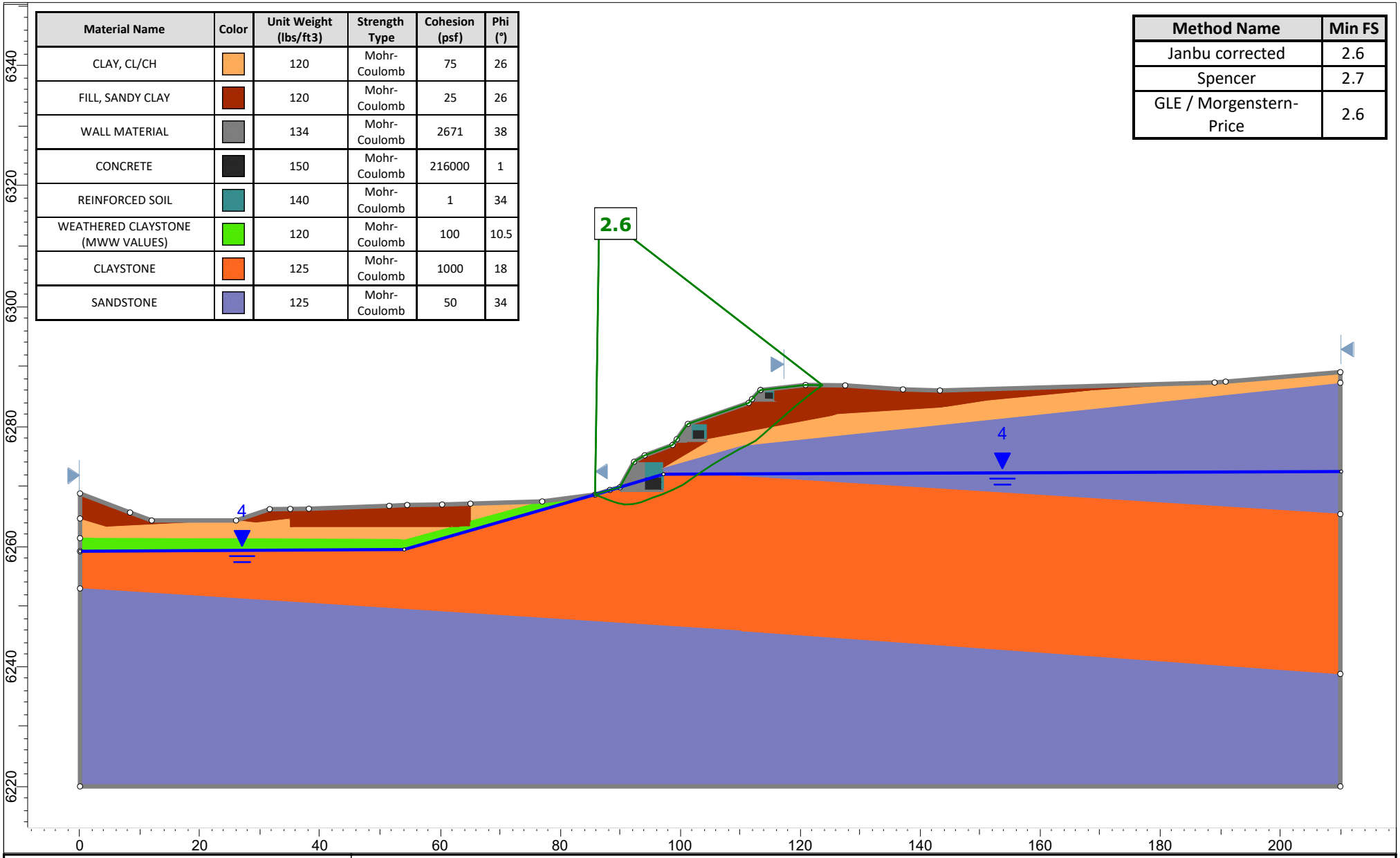
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	2.6
Spencer	2.7
GLE / Morgenstern-Price	2.6



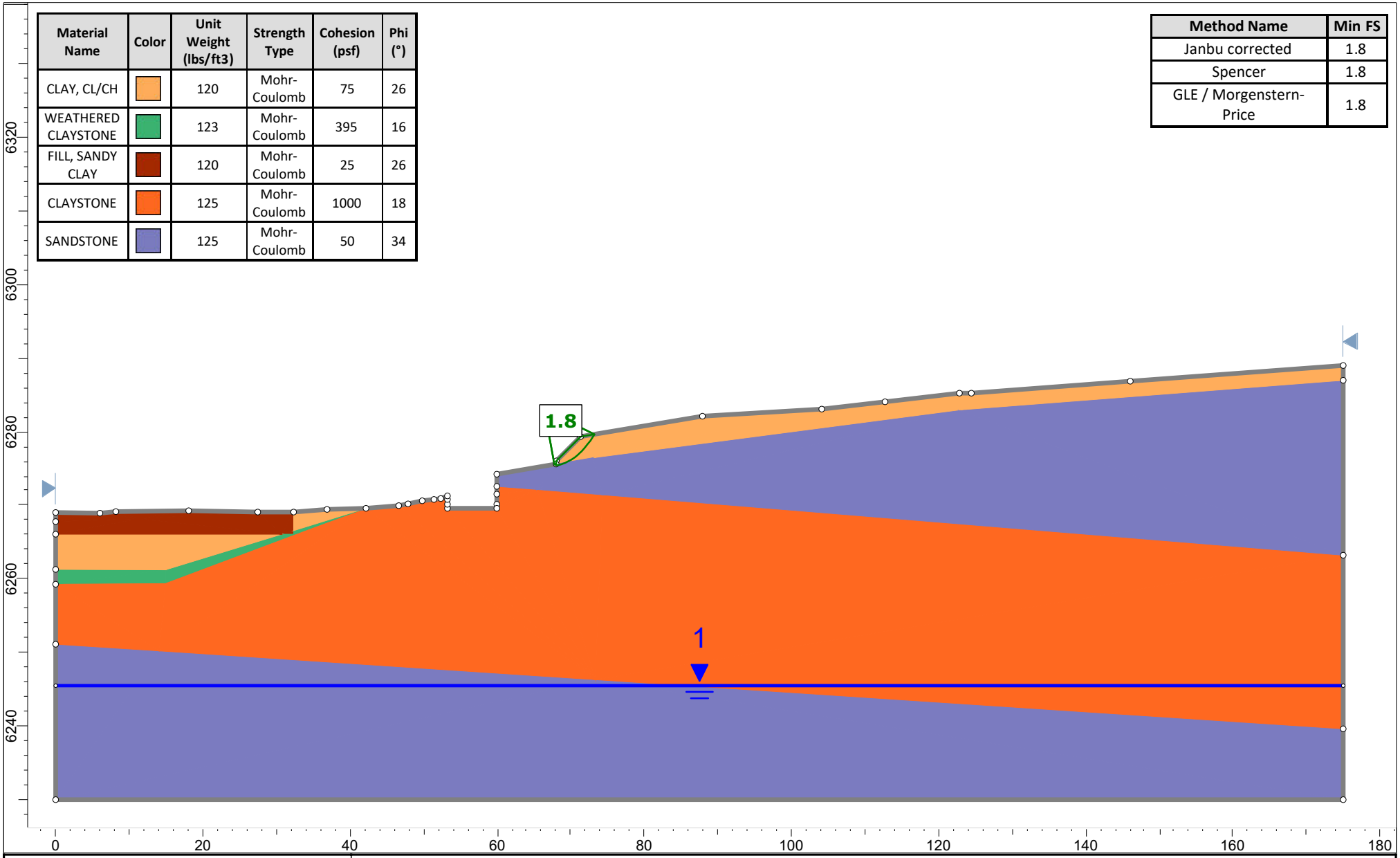
ROCSCIENCE

SLIDEINTERPRET 9.041

Project Section A-A' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:266	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	1.8
Spencer	1.8
GLE / Morgenstern-Price	1.8



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section B-B' - Interim

Analysis Description:

Drawn By:

Scale: 1:217

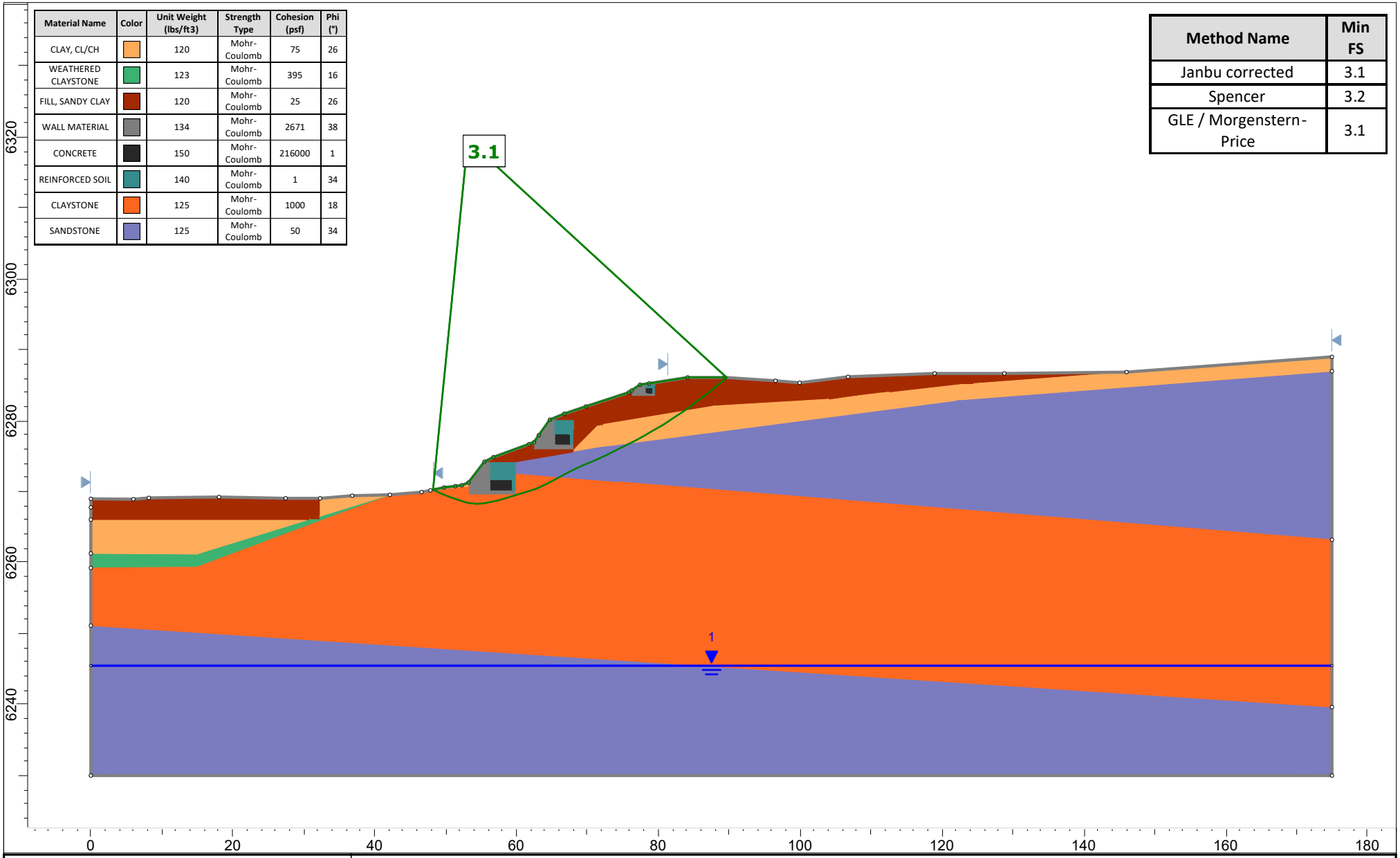
Company:

Date:

File Name:

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



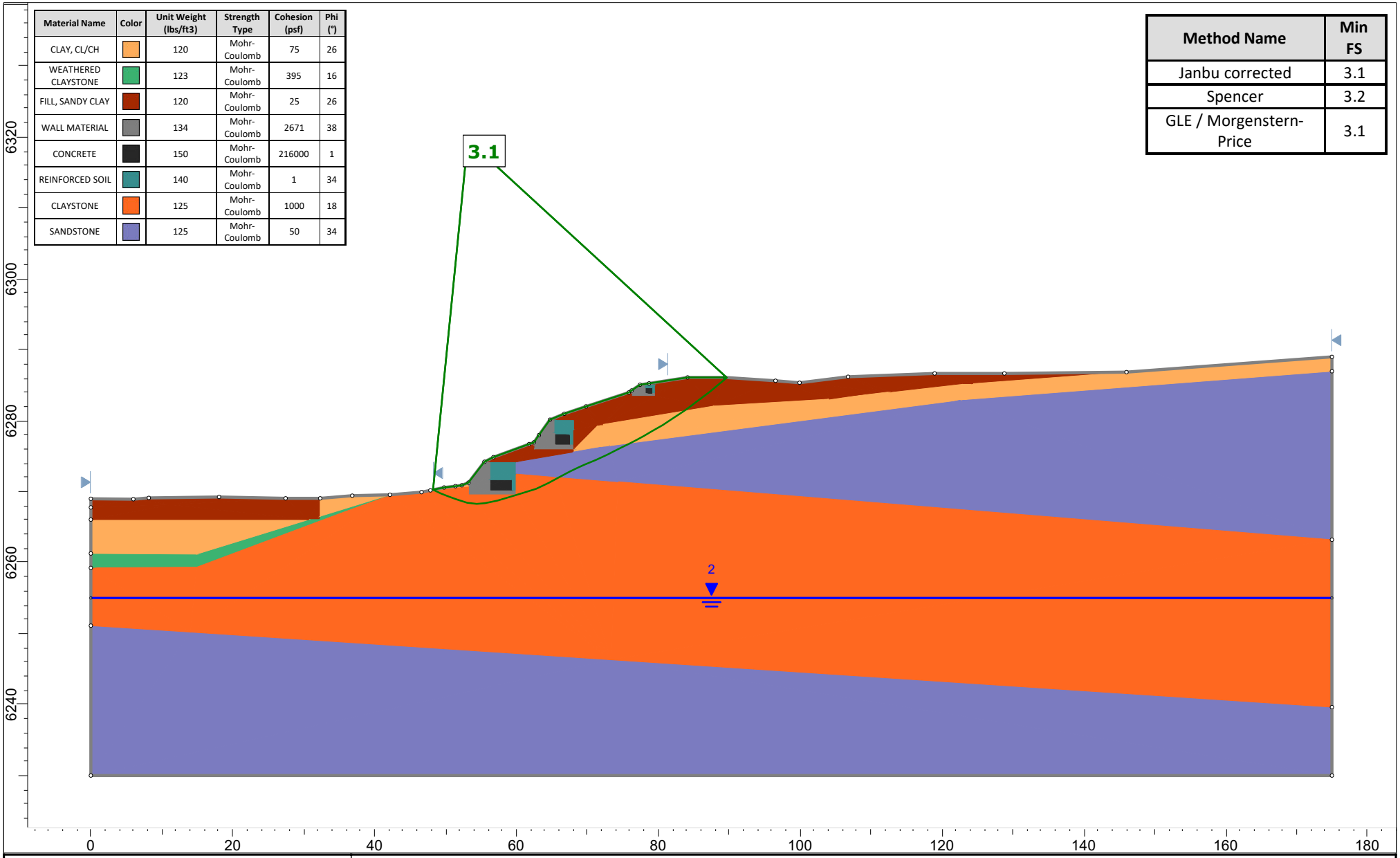
ROCSCIENCE

SLIDEINTERPRET 9.041

Project Section B-B' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:225	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



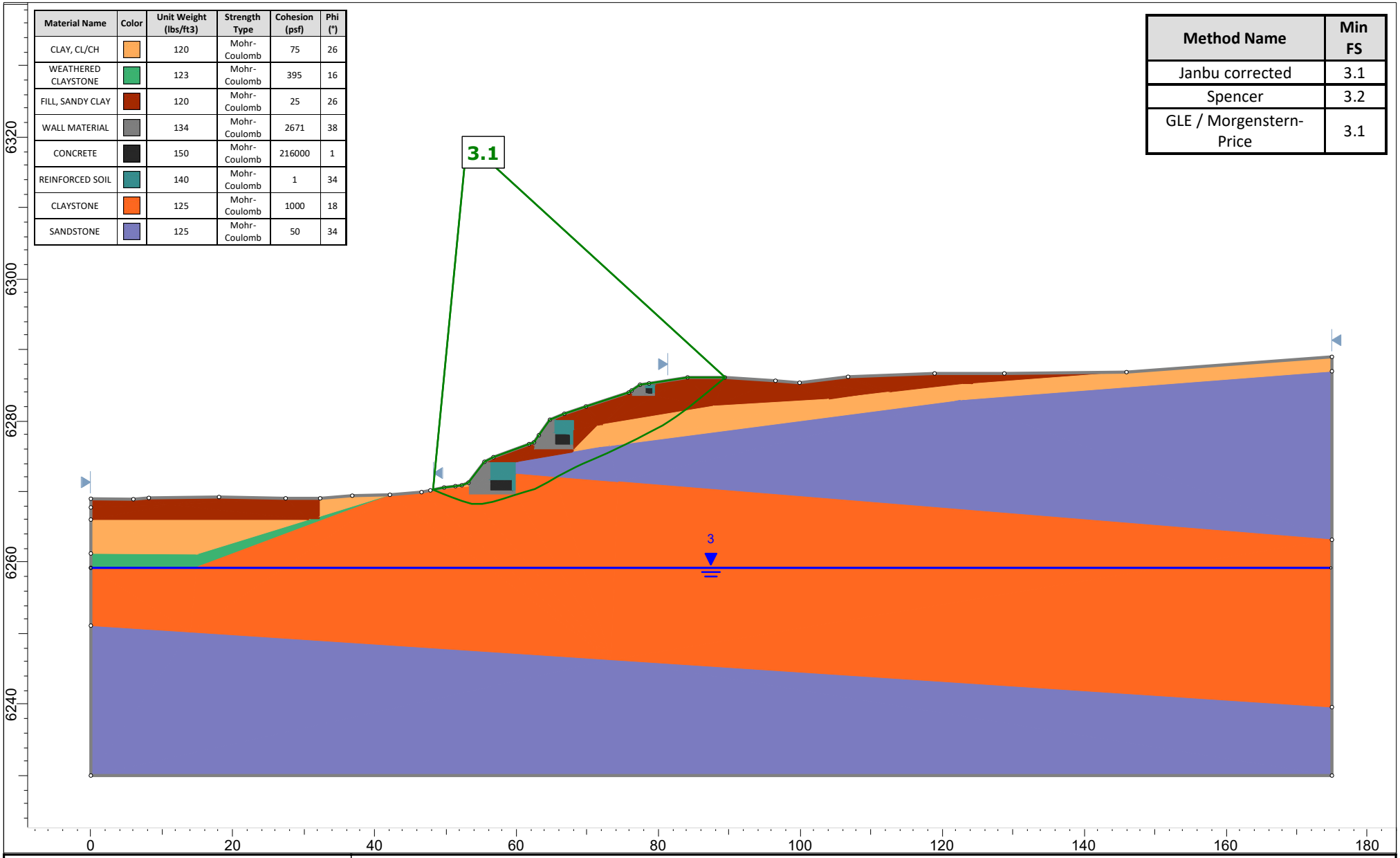
ROCSCIENCE

SLIDEINTERPRET 9.041

Project Section B-B' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:225	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



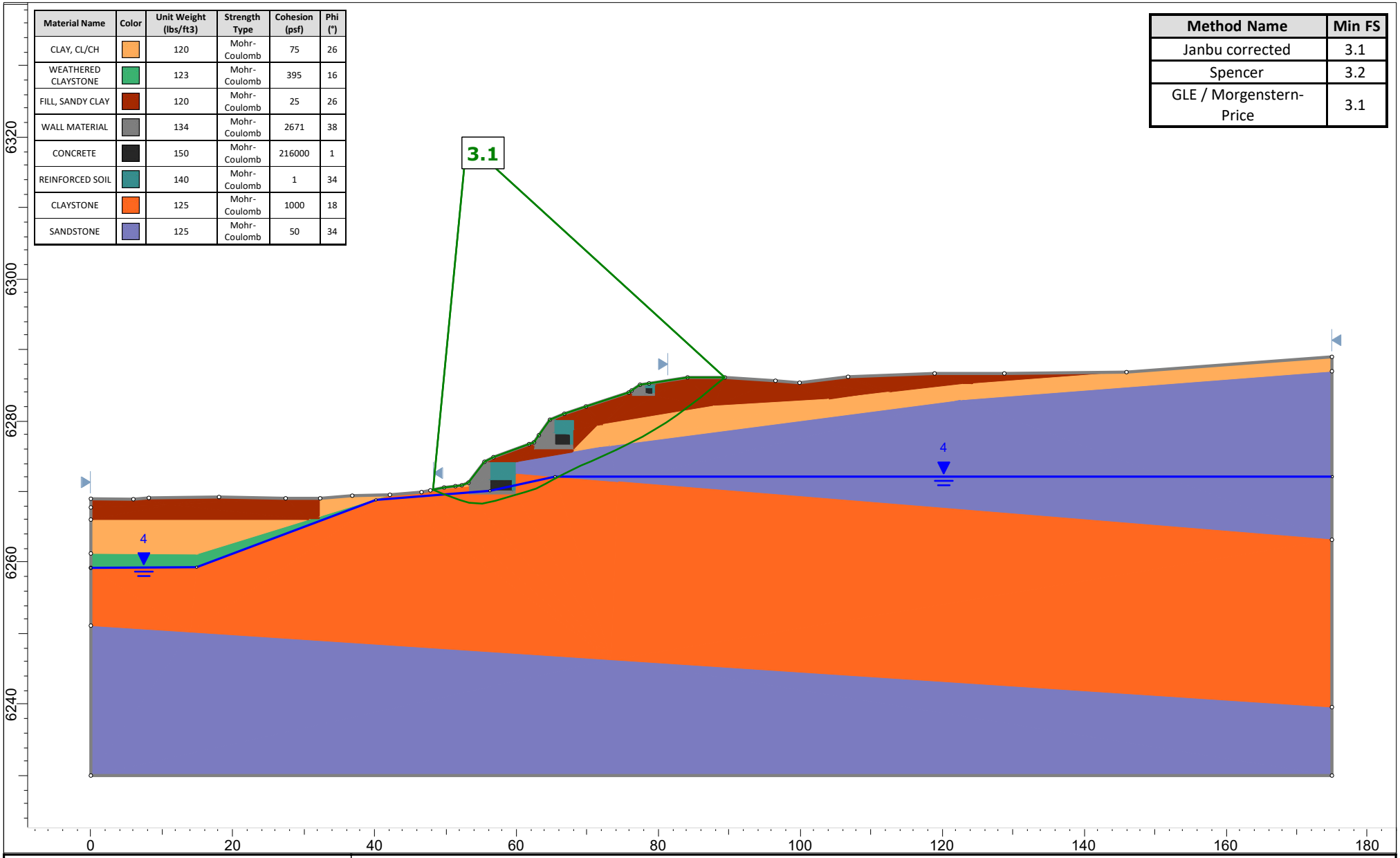
ROCSCIENCE

SLIDEINTERPRET 9.041

Project Section B-B' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:225	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



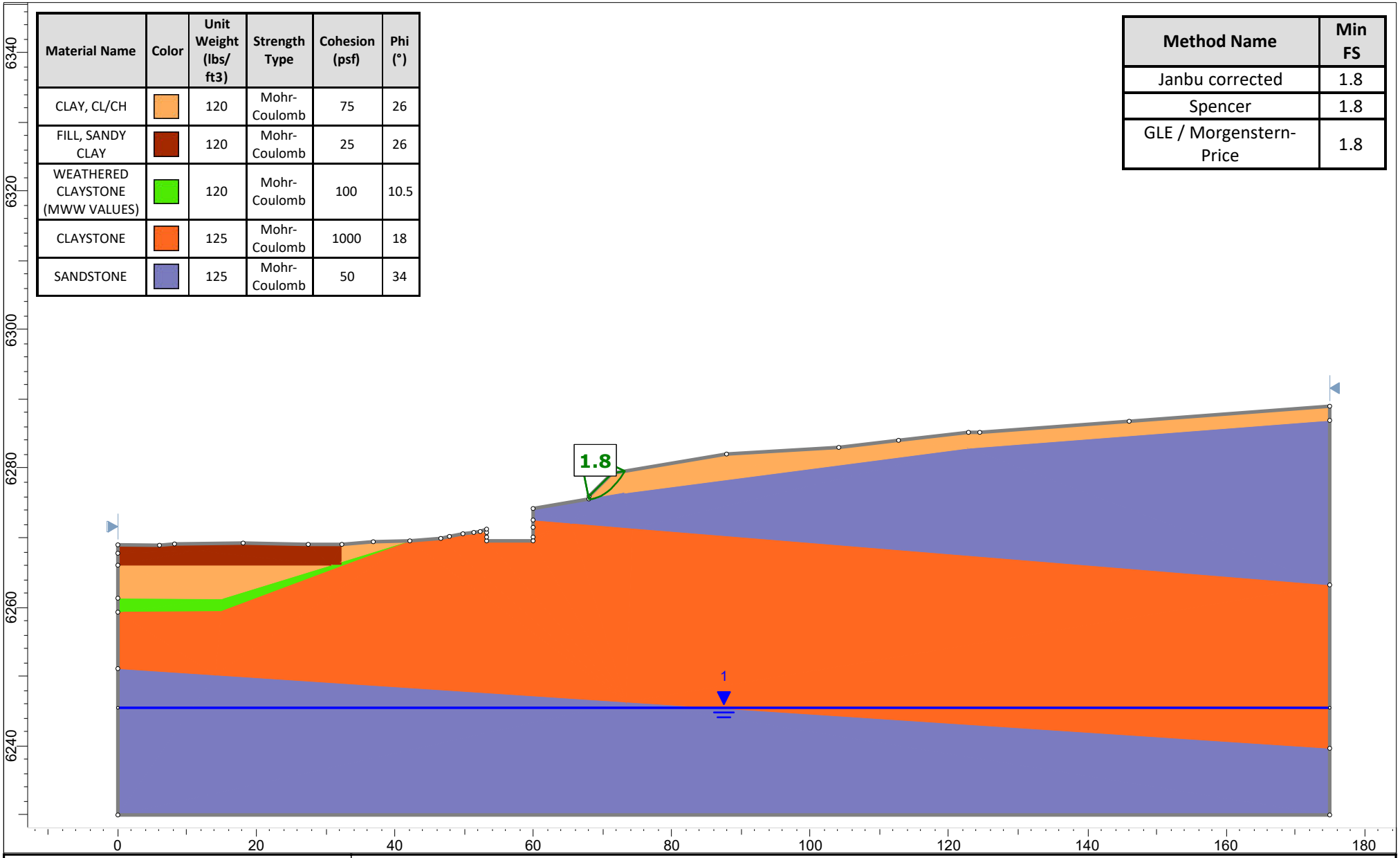
ROCSCIENCE

SLIDEINTERPRET 9.041

Project Section B-B' - Proposed		
Analysis Description		
Drawn By	*Scale* 1:225	*Company*
Date		*File Name*

Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	1.8
Spencer	1.8
GLE / Morgenstern-Price	1.8



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section B-B' - Interim

Analysis Description

Drawn By

Scale 1:230

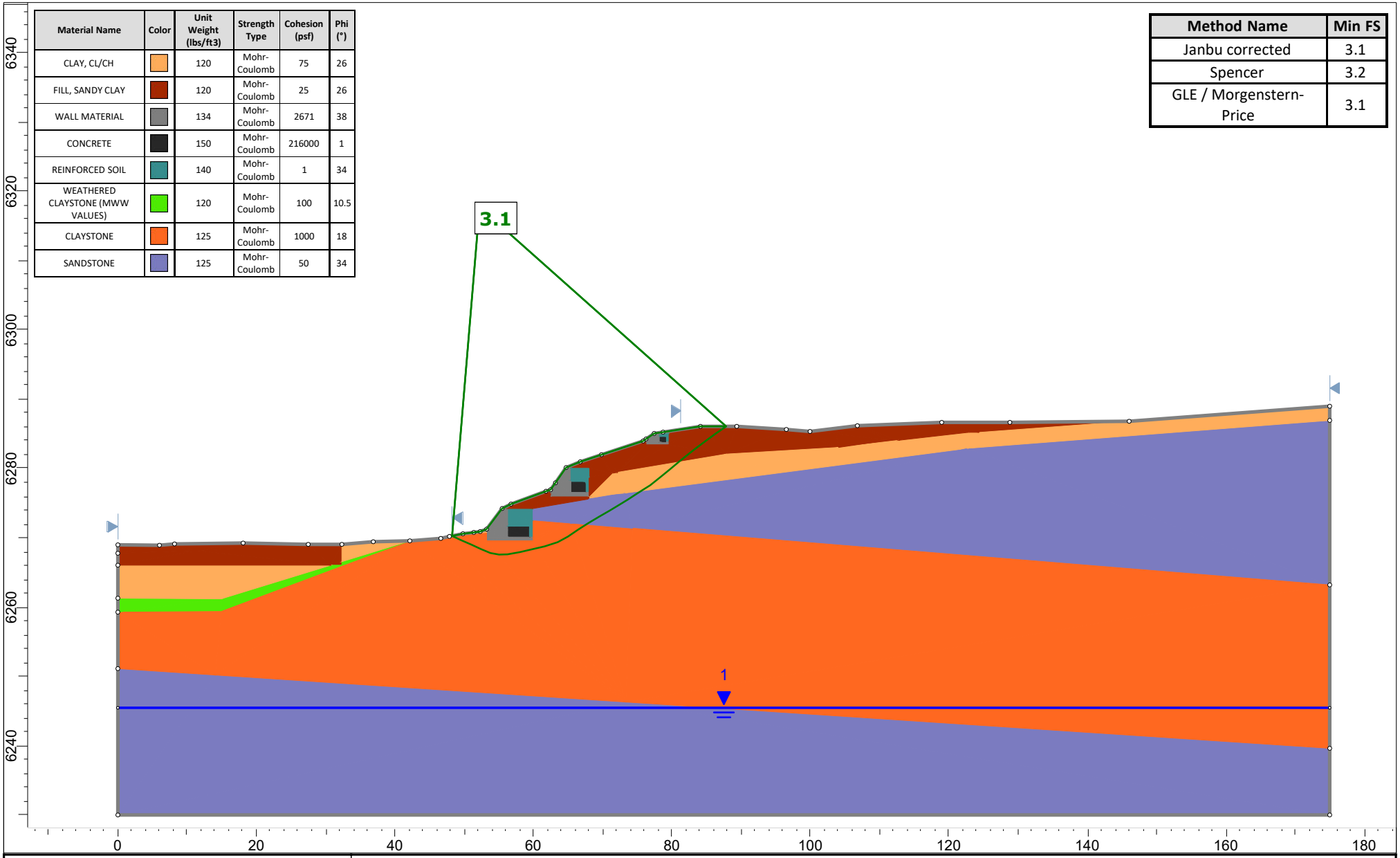
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section B-B' - Proposed

Analysis Description

Drawn By

Scale 1:230

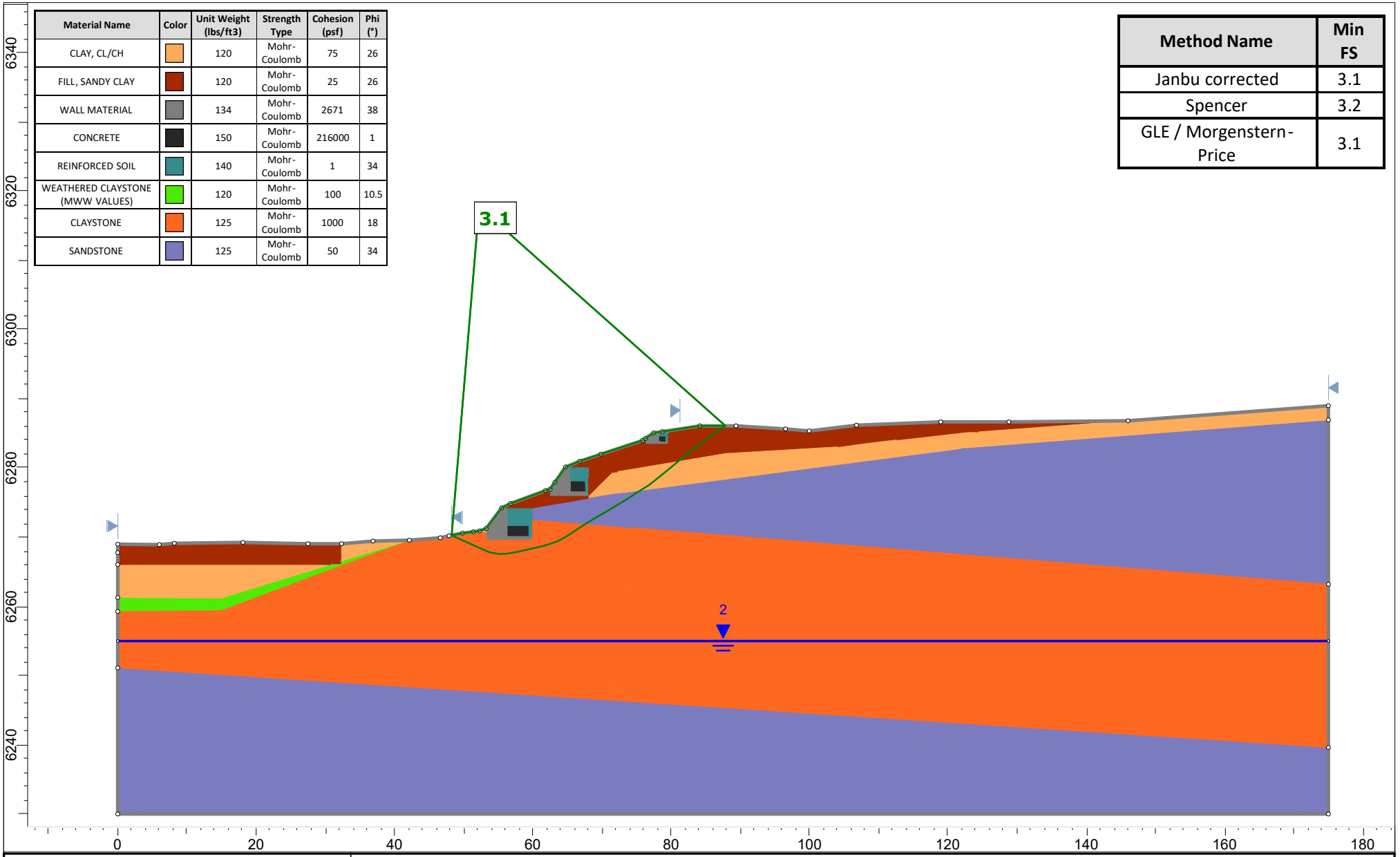
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section B-B' - Proposed

Analysis Description

Drawn By

Scale 1:230

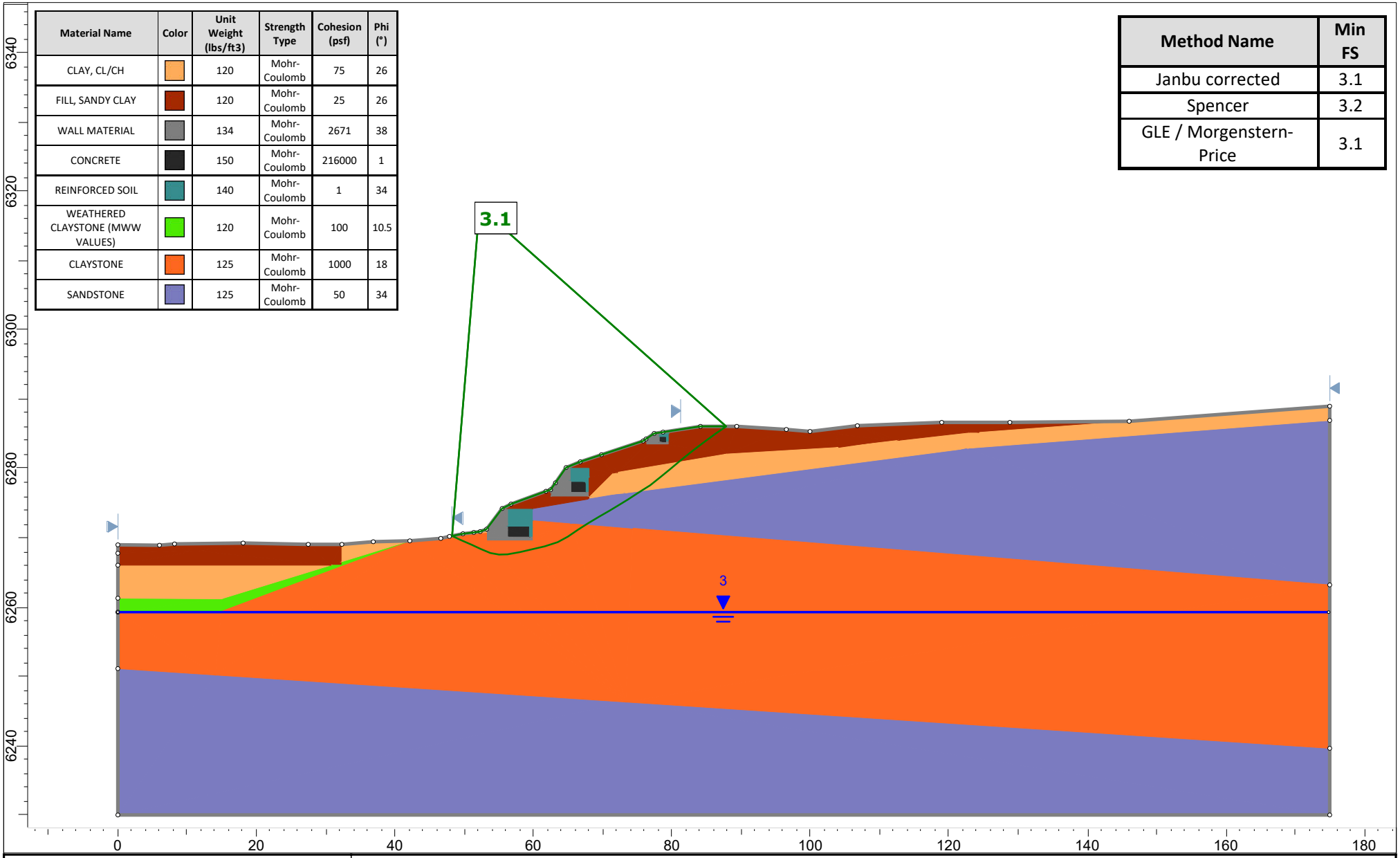
Company

Date

File Name

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section B-B' - Proposed

Analysis Description:

Drawn By:

Scale: 1:230

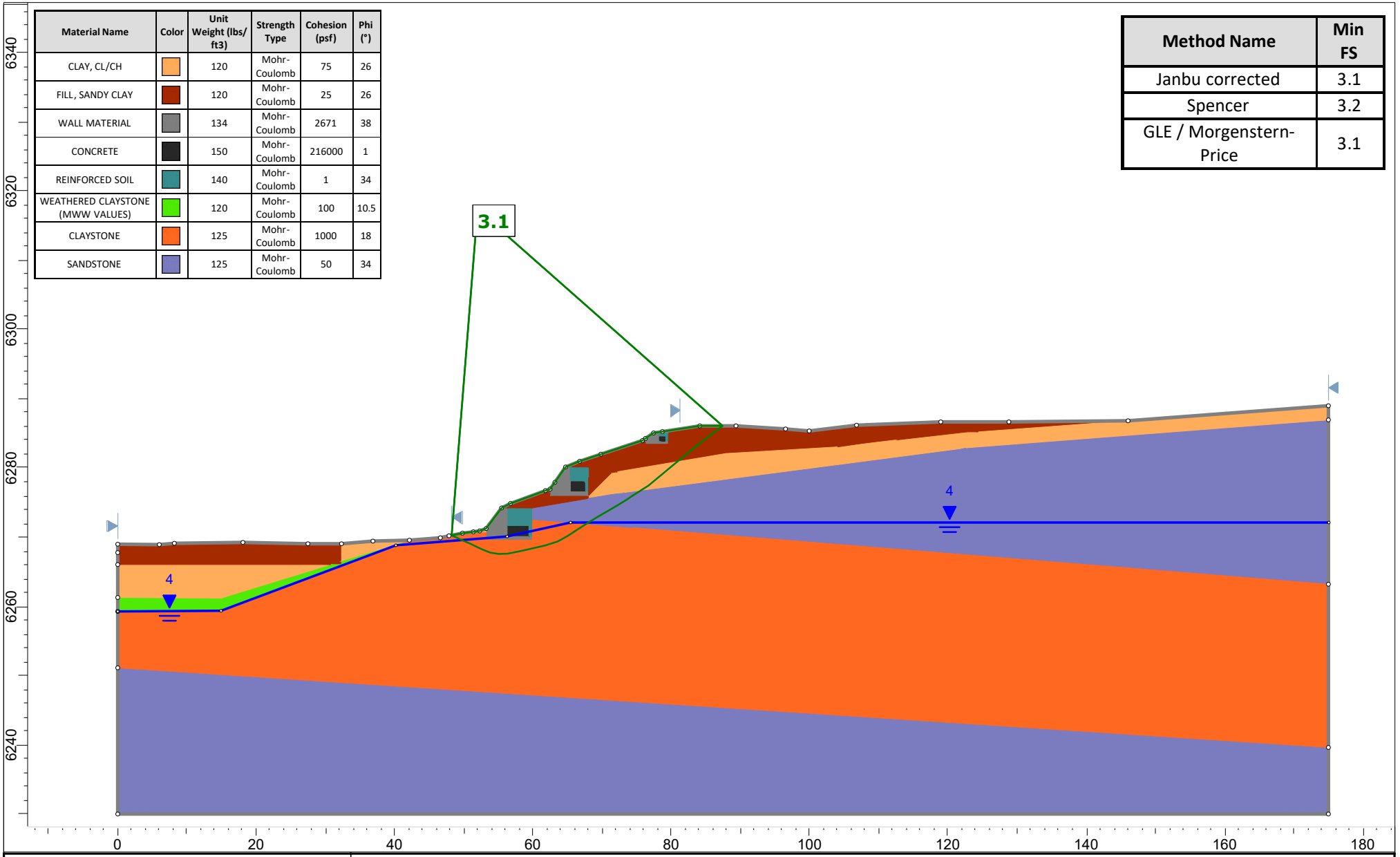
Company:

Date:

File Name:

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34

Method Name	Min FS
Janbu corrected	3.1
Spencer	3.2
GLE / Morgenstern-Price	3.1



ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section B-B' - Proposed

Analysis Description

Drawn By

Scale 1:230

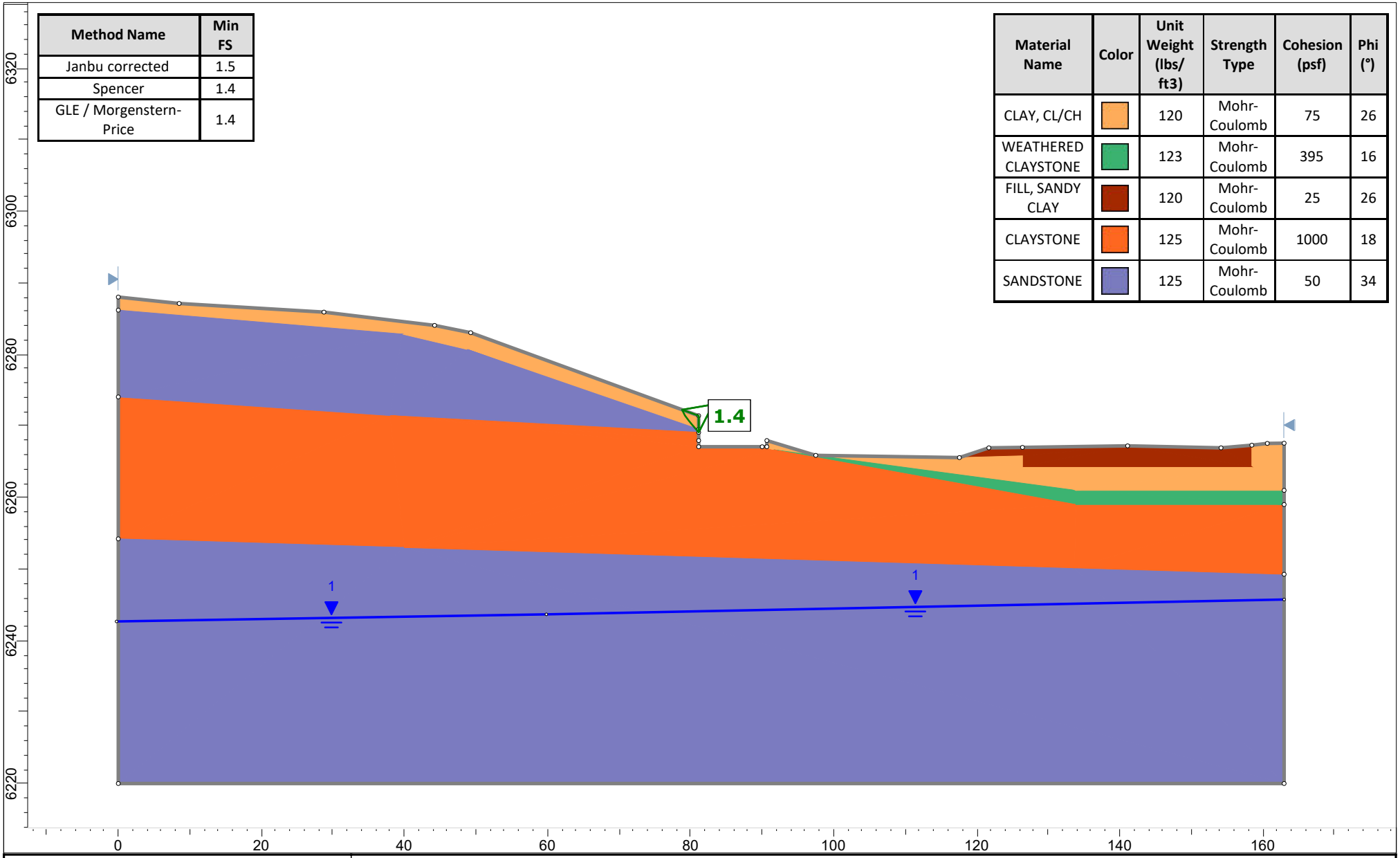
Company

Date

File Name

Method Name	Min FS
Janbu corrected	1.5
Spencer	1.4
GLE / Morgenstern-Price	1.4

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



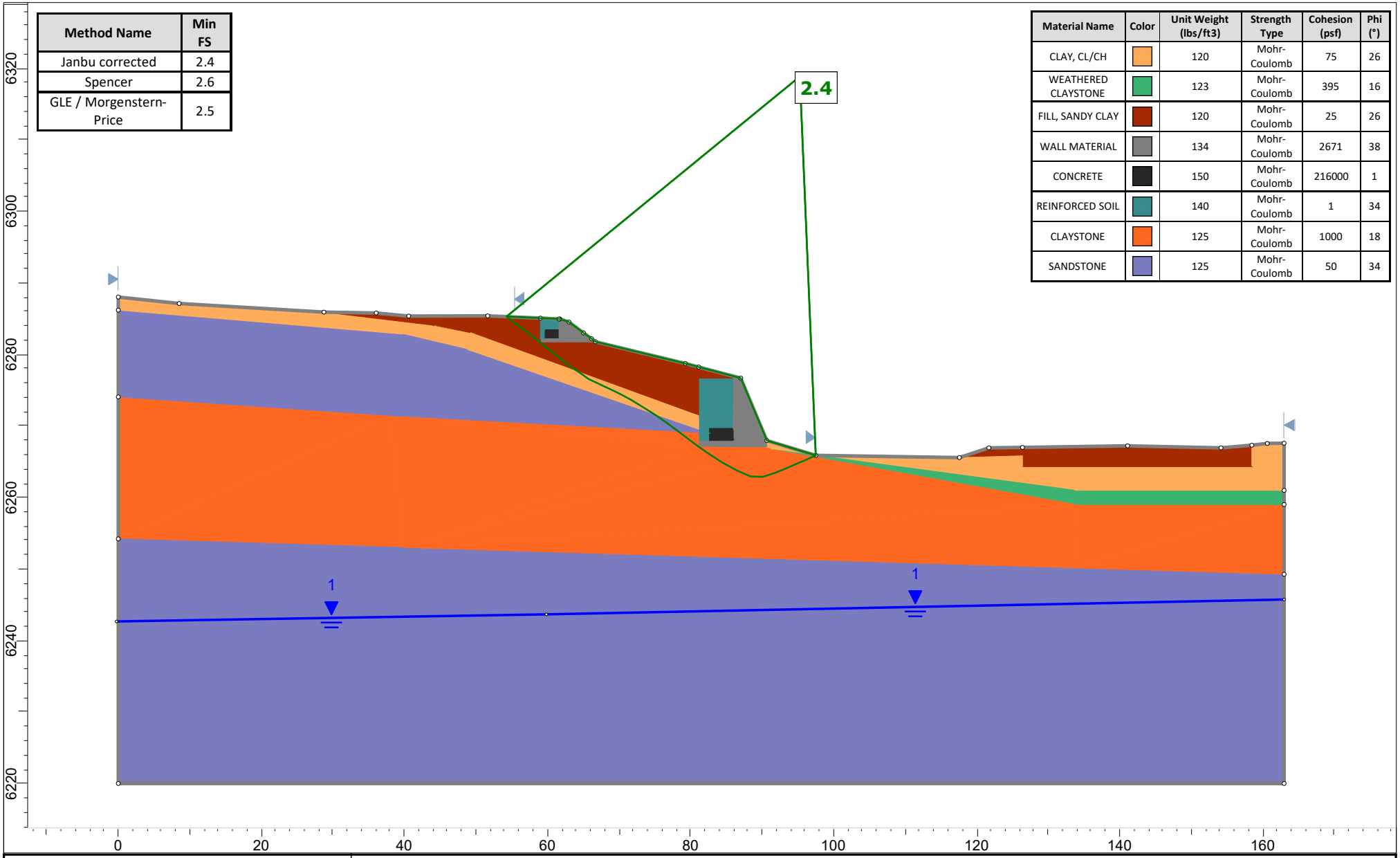
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Interim		
Analysis Description		
Drawn By	Scale 1:223	Company
Date		File Name

Method Name	Min FS
Janbu corrected	2.4
Spencer	2.6
GLE / Morgenstern-Price	2.5

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



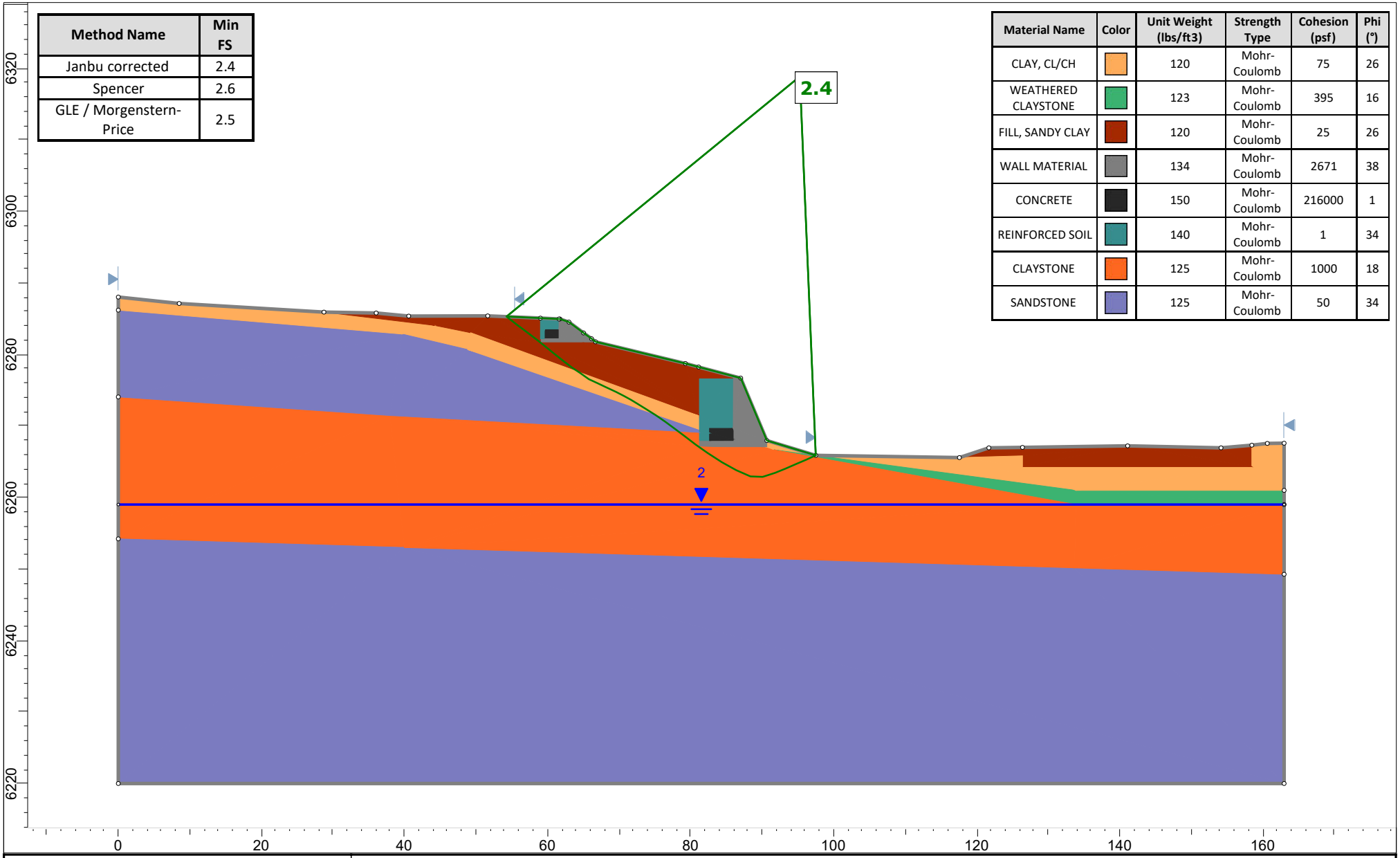
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed		
Analysis Description		
Drawn By	Scale: 1:223	Company
Date		File Name

Method Name	Min FS
Janbu corrected	2.4
Spencer	2.6
GLE / Morgenstern-Price	2.5

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



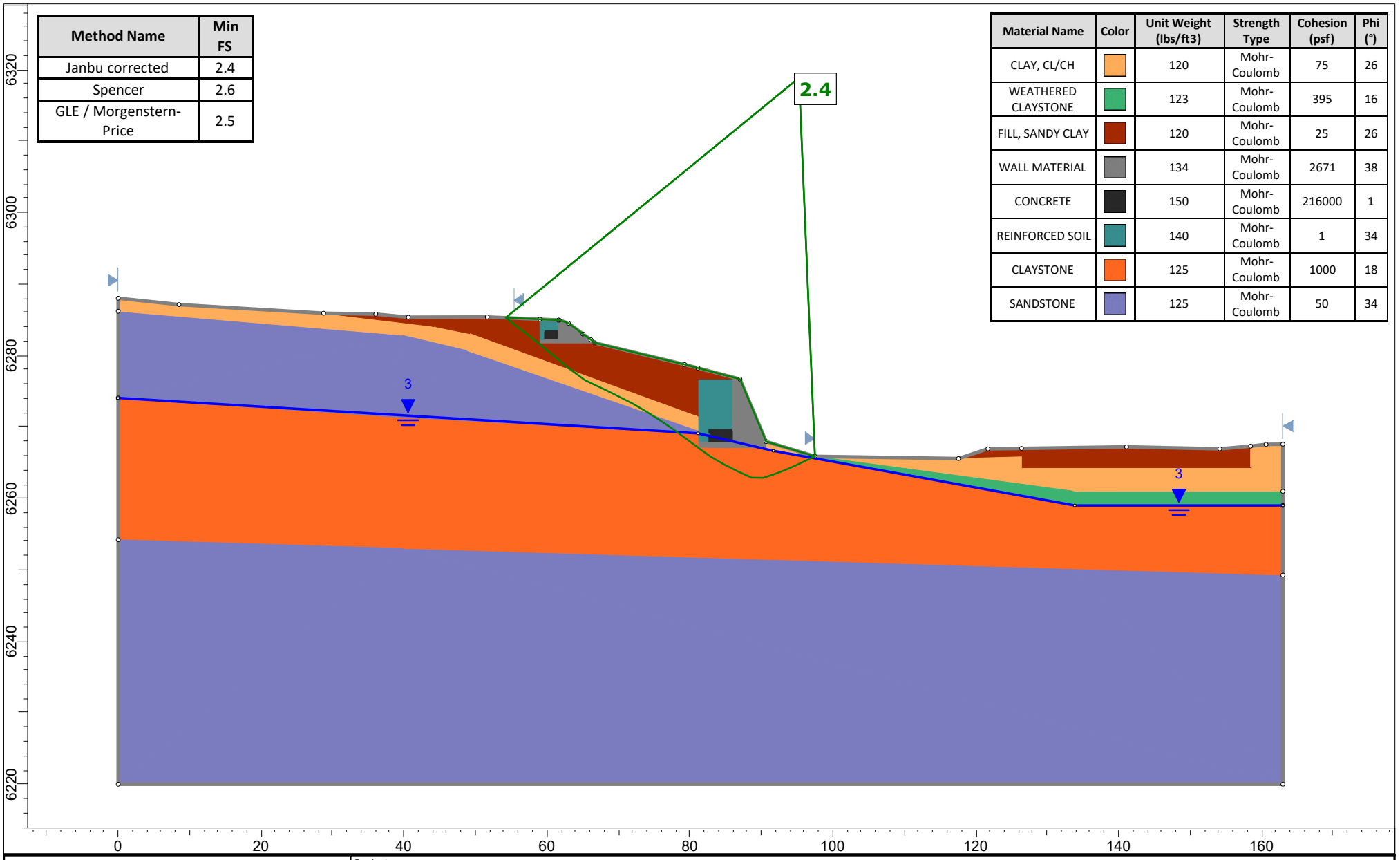
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed		
Analysis Description		
Drawn By	Scale 1:223	Company
Date		File Name

Method Name	Min FS
Janbu corrected	2.4
Spencer	2.6
GLE / Morgenstern-Price	2.5

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



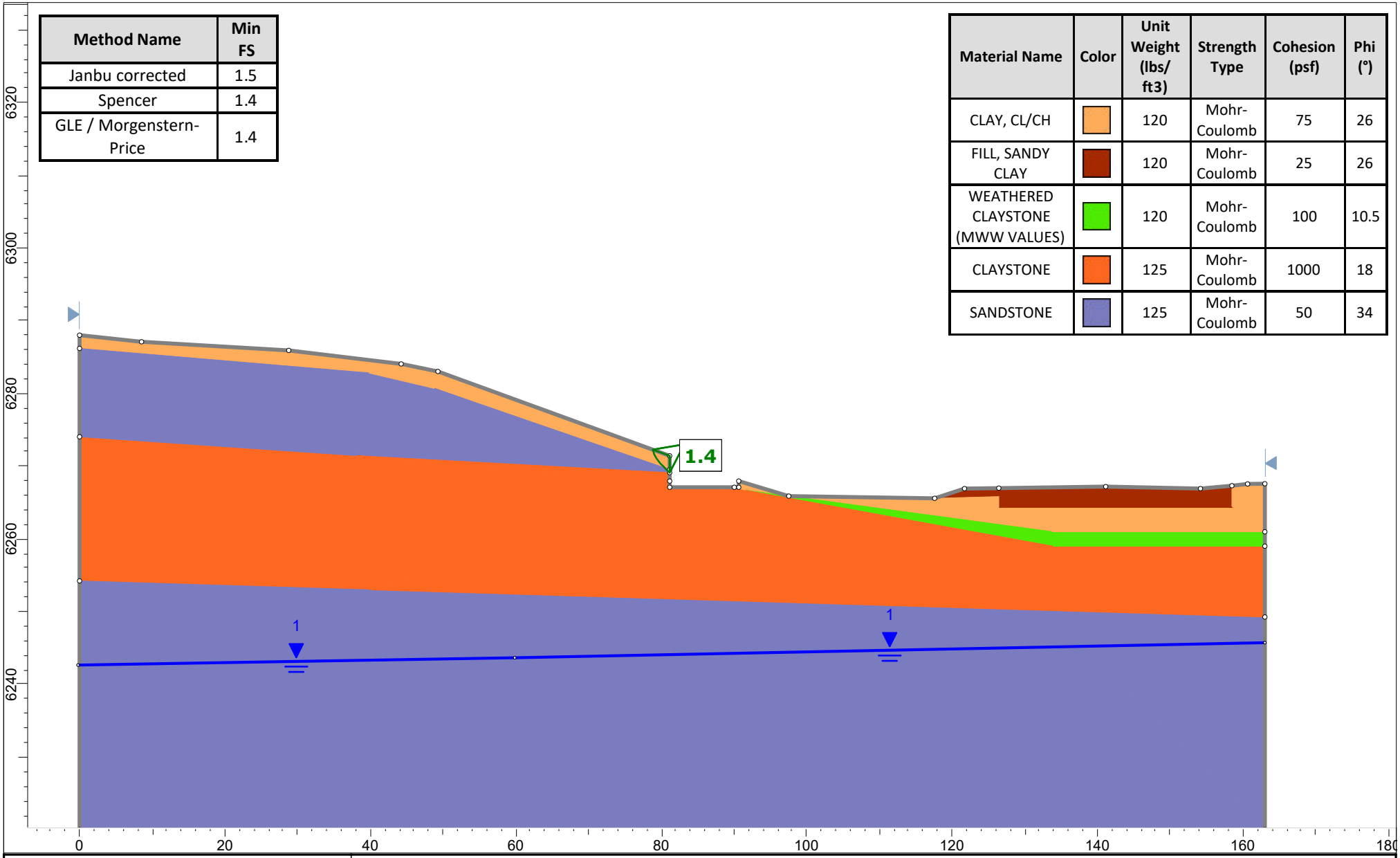
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed			
Analysis Description			
Drawn By	Scale: 1:223	Company	
Date		File Name	

Method Name	Min FS
Janbu corrected	1.5
Spencer	1.4
GLE / Morgenstern-Price	1.4

Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



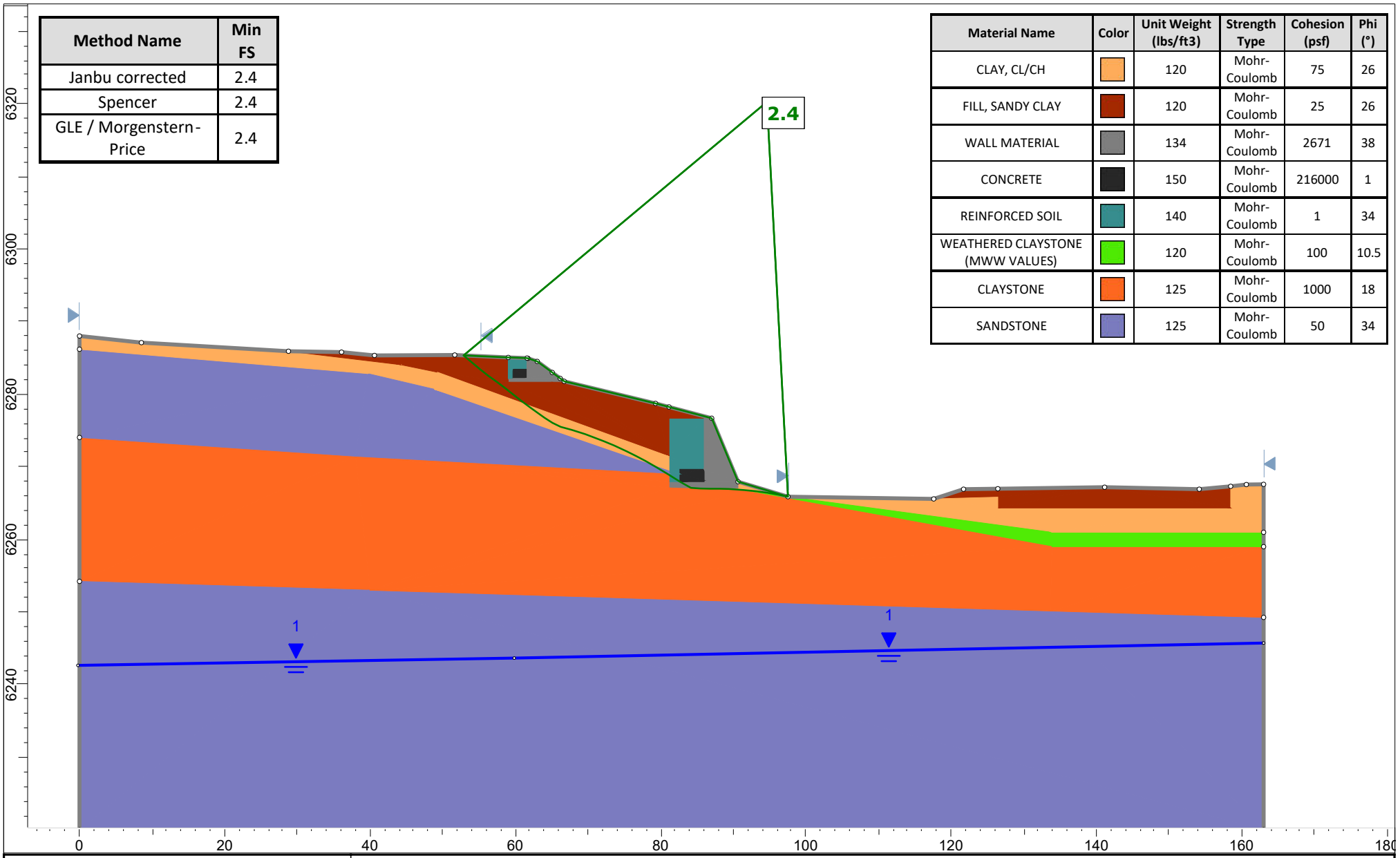
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Interim			
Analysis Description			
Drawn By	Scale: 1:219	Company	
Date		File Name	

Method Name	Min FS
Janbu corrected	2.4
Spencer	2.4
GLE / Morgenstern-Price	2.4

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed

Analysis Description:

Drawn By:

Scale: 1:219

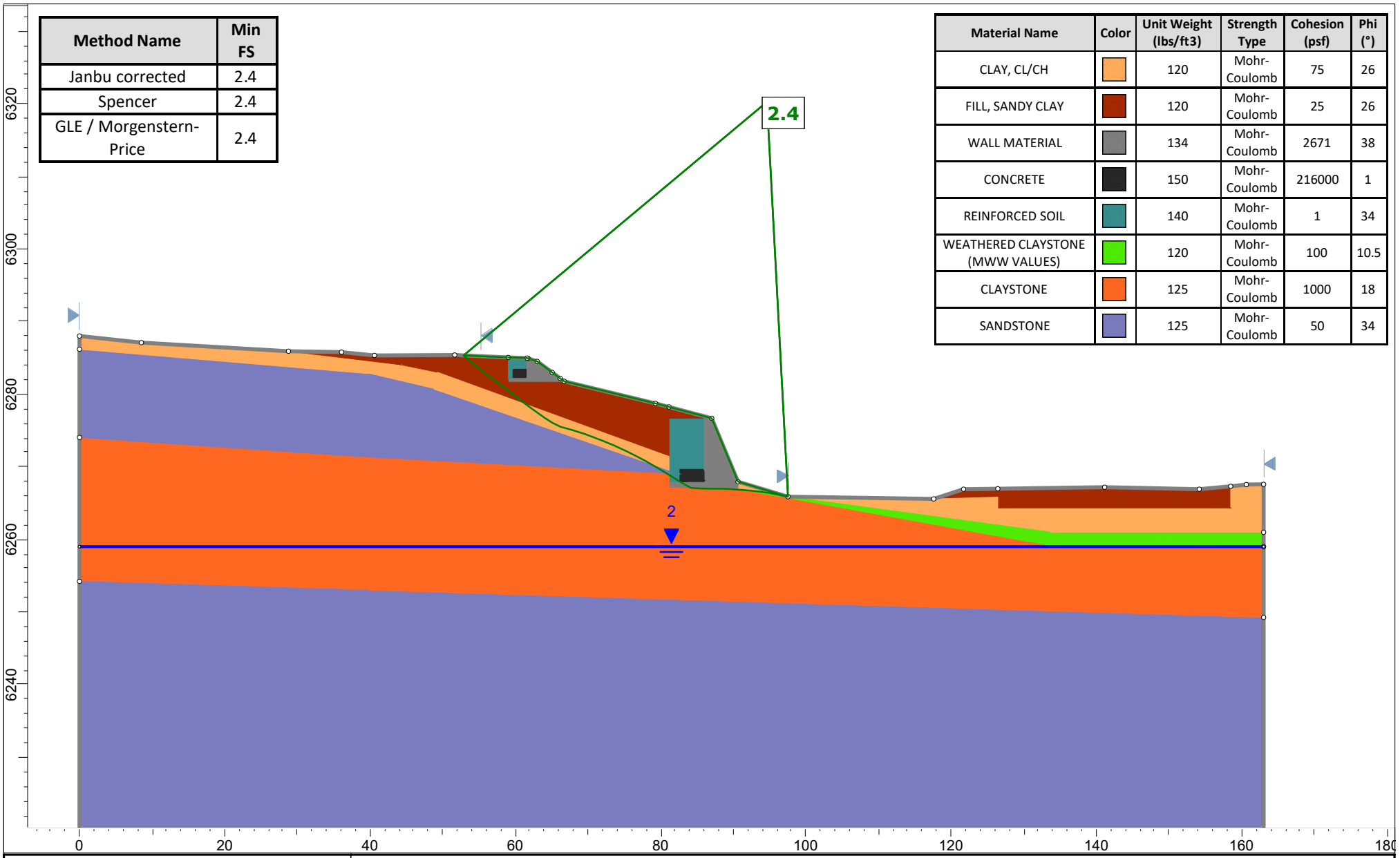
Company:

Date:

File Name:

Method Name	Min FS
Janbu corrected	2.4
Spencer	2.4
GLE / Morgenstern-Price	2.4

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



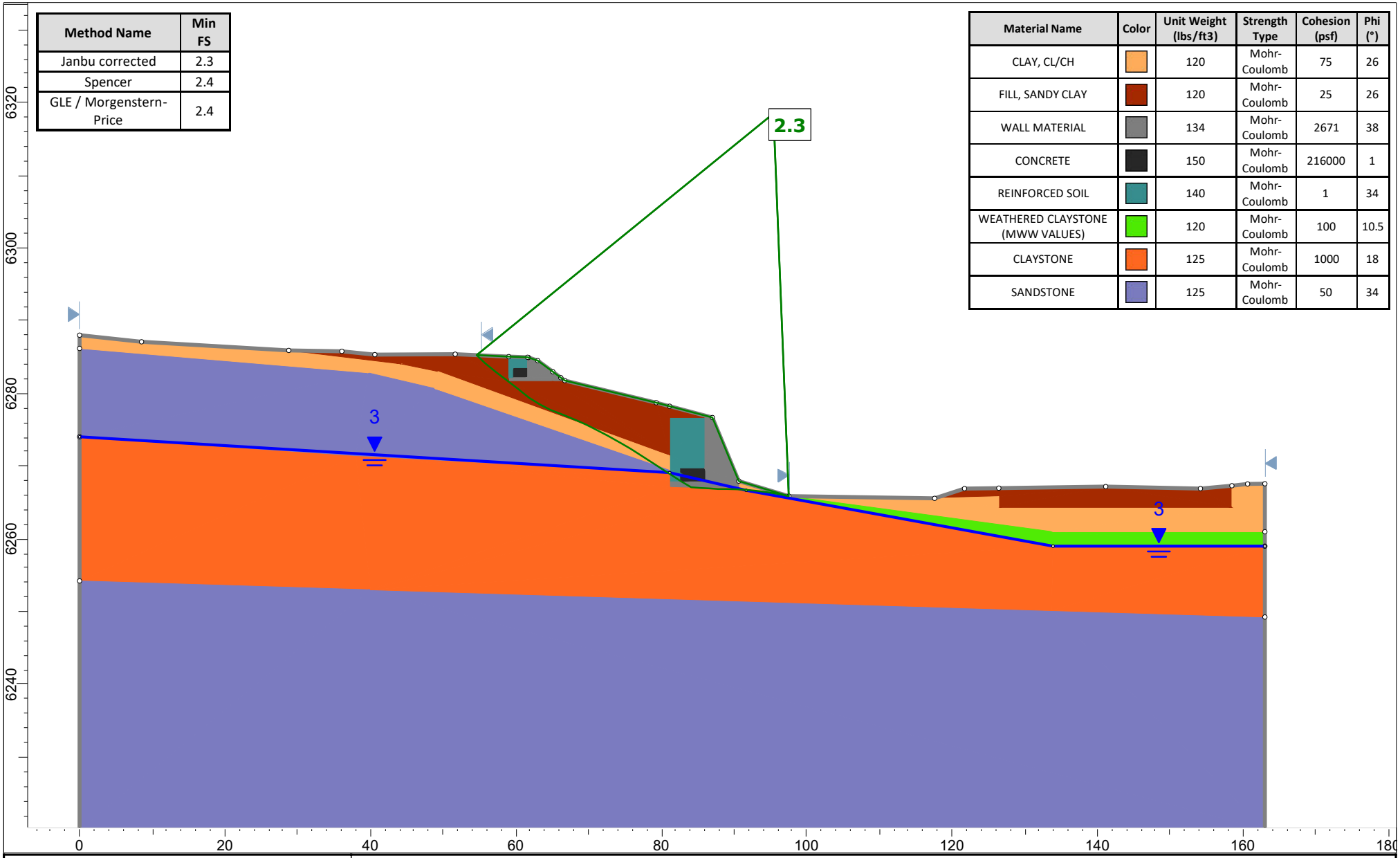
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed		
Analysis Description:		
Drawn By:	Scale: 1:219	Company:
Date:		File Name:

Method Name	Min FS
Janbu corrected	2.3
Spencer	2.4
GLE / Morgenstern-Price	2.4

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section C-C' - Proposed

Analysis Description:

Drawn By:

Scale: 1:219

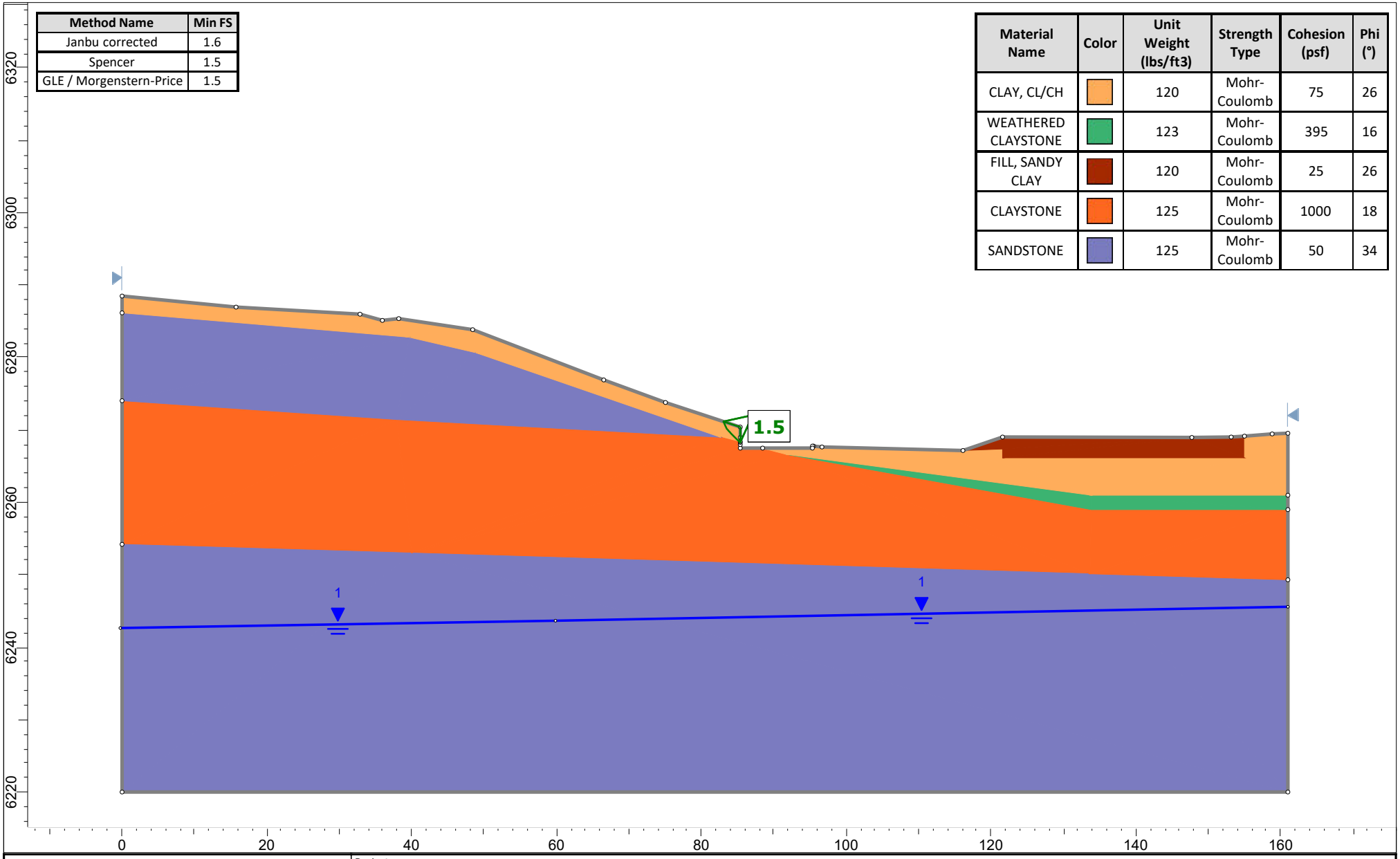
Company:

Date:

File Name:

Method Name	Min FS
Janbu corrected	1.6
Spencer	1.5
GLE / Morgenstern-Price	1.5

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



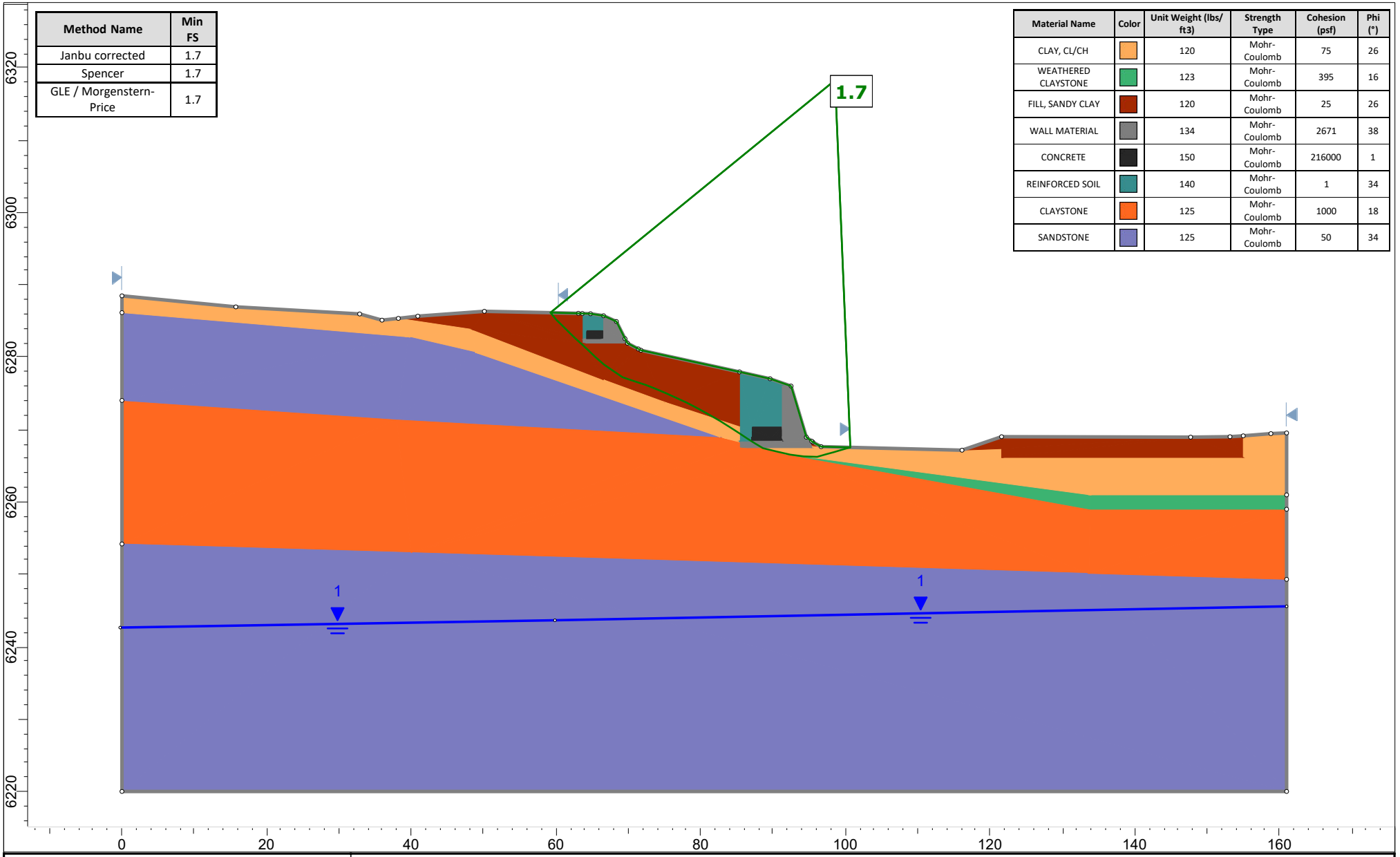
ROCSCIENCE

SLIDEINTERPRET 9.041

Project	Section D-D' - Interim		
Analysis Description			
Drawn By		*Scale* 1:220	*Company*
Date			*File Name*

Method Name	Min FS
Janbu corrected	1.7
Spencer	1.7
GLE / Morgenstern-Price	1.7

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
WEATHERED CLAYSTONE		123	Mohr-Coulomb	395	16
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section D-D' - Proposed		
Analysis Description		
Drawn By	Scale 1:220	Company
Date		File Name

Method Name	Min FS
Janbu corrected	1.7
Spencer	1.7
GLE / Morgenstern-Price	1.7

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CLAYSTONE		125	Mohr-Coulomb	1000	18
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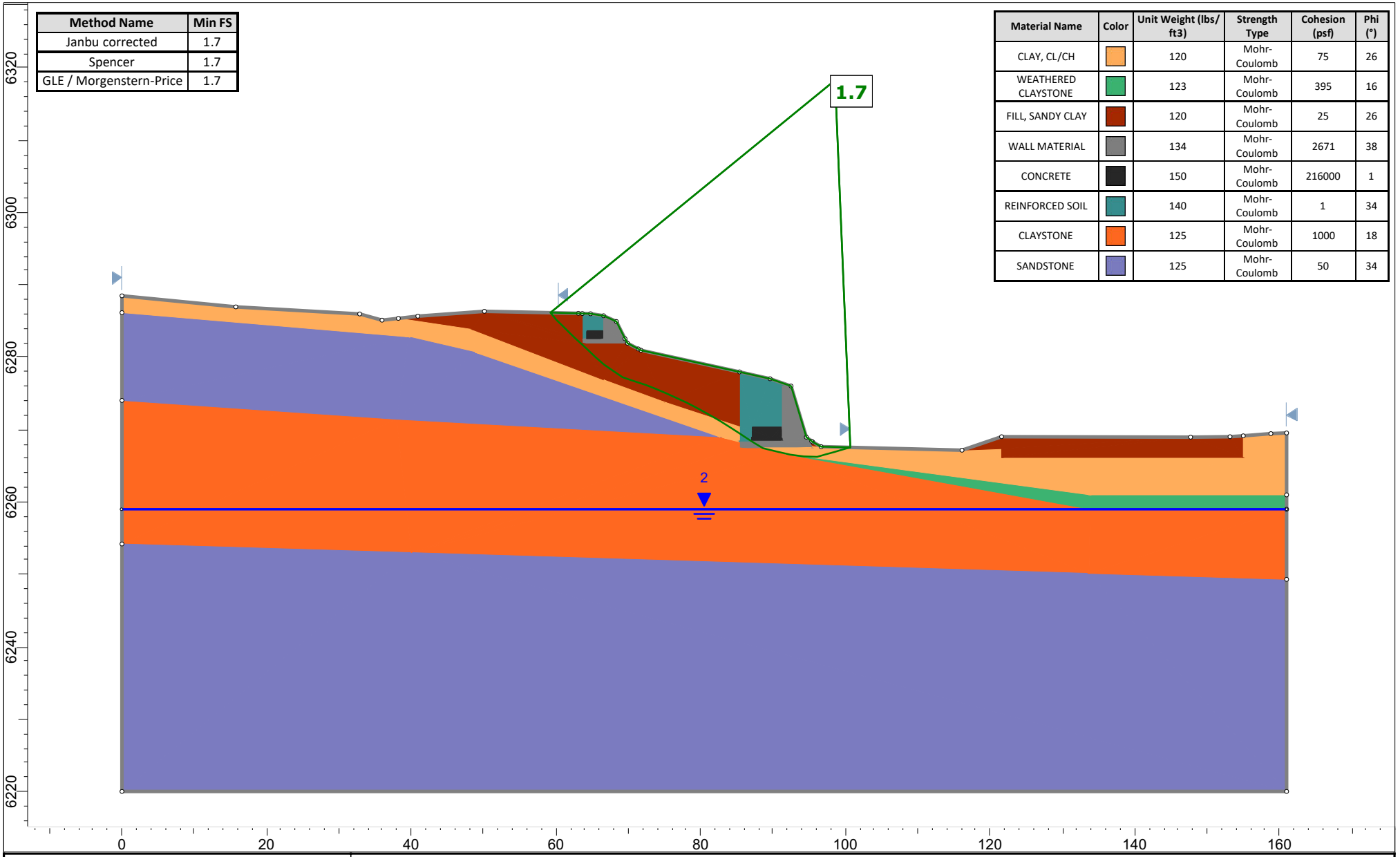

ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section D-D' - Proposed

Analysis Description:

Drawn By:

Scale: 1:220

Company:

Date:

File Name:

Method Name	Min FS
Janbu corrected	1.7
Spencer	1.7
GLE / Morgenstern-Price	1.7

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
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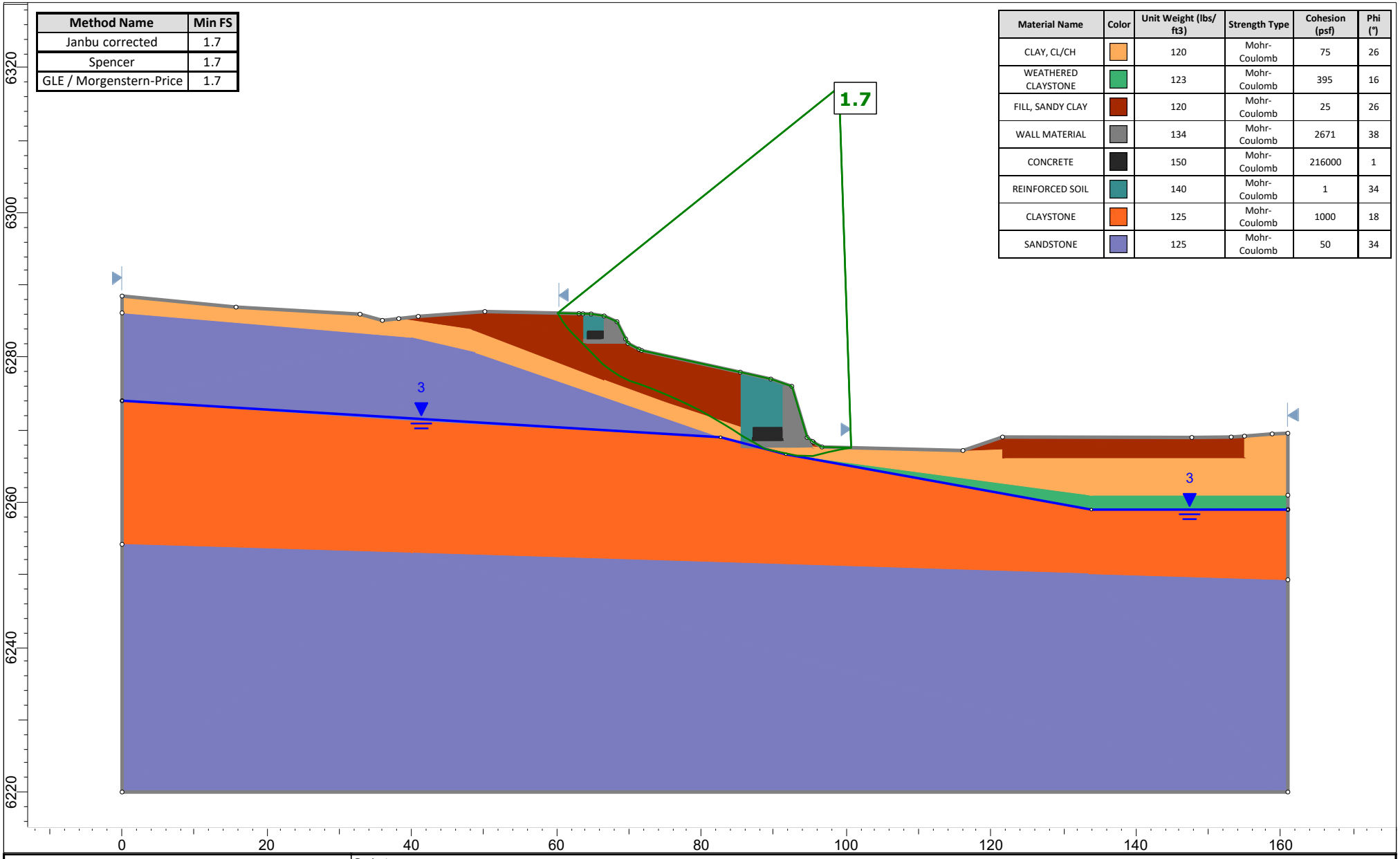
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



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SLIDEINTERPRET 9.041

Project: Section D-D' - Proposed

Analysis Description:

Drawn By:

Scale: 1:220

Company:

Date:

File Name:

Method Name	Min FS
Janbu corrected	1.6
Spencer	1.6
GLE / Morgenstern-Price	1.5

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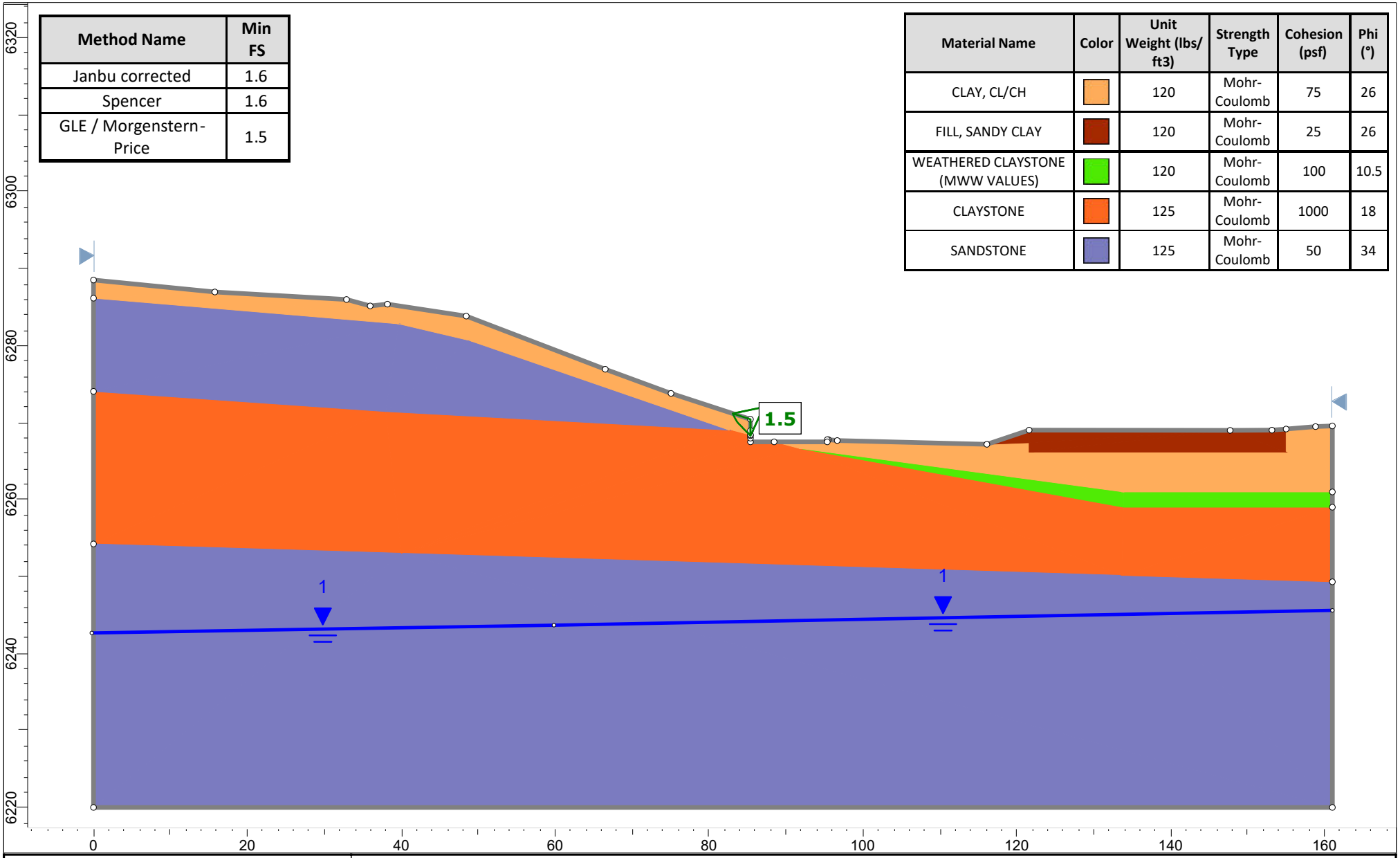
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



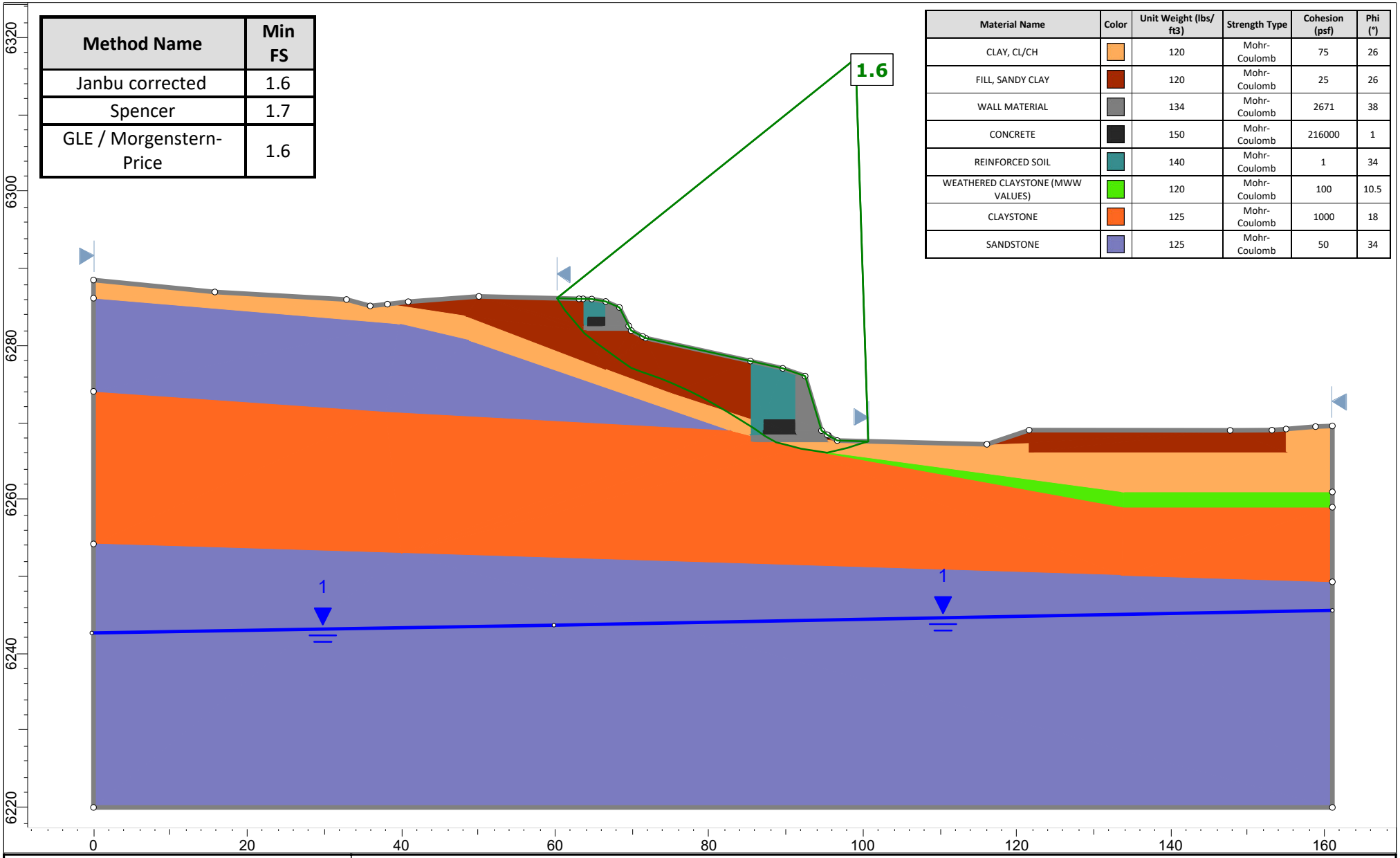
ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section D-D' - Interim		
Analysis Description		
Drawn By	Scale: 1:207	Company
Date		File Name

Method Name	Min FS
Janbu corrected	1.6
Spencer	1.7
GLE / Morgenstern-Price	1.6

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (°)
CLAY, CL/CH		120	Mohr-Coulomb	75	26
FILL, SANDY CLAY		120	Mohr-Coulomb	25	26
WALL MATERIAL		134	Mohr-Coulomb	2671	38
CONCRETE		150	Mohr-Coulomb	216000	1
REINFORCED SOIL		140	Mohr-Coulomb	1	34
WEATHERED CLAYSTONE (MWW VALUES)		120	Mohr-Coulomb	100	10.5
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section D-D' - Proposed		
Analysis Description		
Drawn By	Scale 1:207	Company
Date		File Name

Method Name	Min FS
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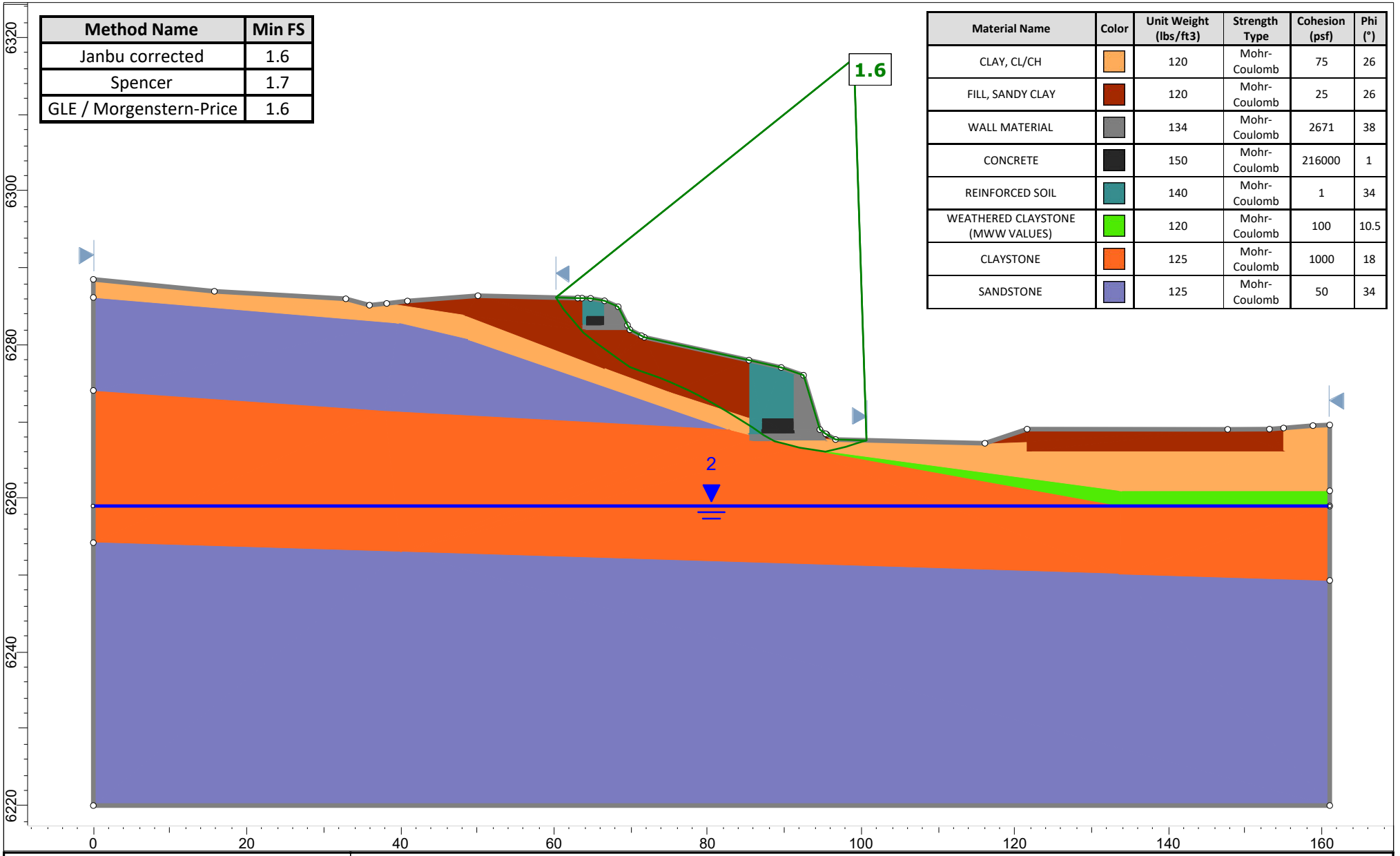
CLAYSTONE		125	Mohr-Coulomb	1000	18
SANDSTONE		125	Mohr-Coulomb	50	34



ROCSCIENCE

SLIDEINTERPRET 9.041

Project: Section D-D' - Proposed		
Analysis Description		
Drawn By	Scale: 1:207	Company
Date		File Name

Method Name	Min FS
Janbu corrected	1.6
Spencer	1.7
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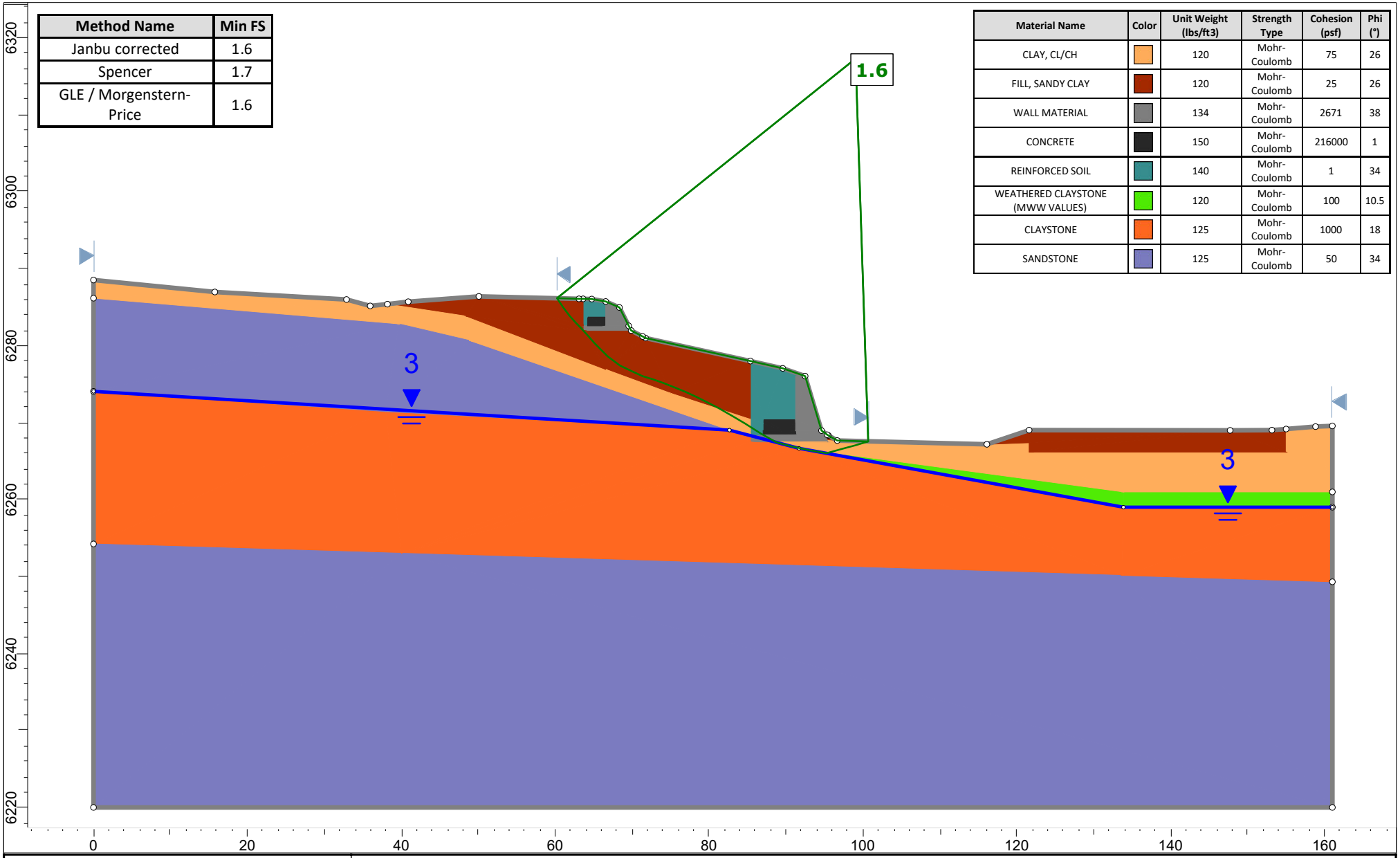


ROCSCIENCE

SLIDEINTERPRET 9.041

Project

Section D-D' - Proposed

Analysis Description

Drawn By

Scale 1:207

Company

Date

File Name

REBUTTAL TO THE DEVELOPER'S RESPONSE LETTER

Point-by-Point Refutation of RRMD's Response Letter (March 27, 2026) to The Retreat's Referral Comments (February 10, 2026)

A. TRACT M — "No Longer Needed for the Project"

What the Developer Claims:

The developer states that Tract M is "no longer needed for the Project" and that the design has been revised to provide water quality within the Project boundaries. They characterize The Retreat's concern as "without merit.

Rebuttal:

The developer's response actually **confirms The Retreat's original concern**, it does not refute it. The original referral letter identified that the application **as submitted** depended on Tract M, which the developer did not have rights to obtain. Rather than disputing this, the developer admits it was true and says they have now redesigned the project.

This raises critical questions:

1. **The application that was submitted to the City and moved through the referral process was facially deficient.** The City allowed a deficient application to proceed to public referral, a procedural problem that is not cured by a last-minute redesign.
2. **The developer misled the City.** The Retreat's original letter documented that the applicant stated an agreement for Tract M "was forthcoming" when no such agreement existed. The developer's response does not deny this — they recharacterize it as a "good faith belief." But telling the City an agreement is forthcoming when the property owner has expressly refused is not good faith, it is a misrepresentation that allowed a deficient application to advance.
3. **The revised plans have not been subject to full public review.** If the project has been fundamentally redesigned to eliminate Tract M, the revised drainage plans, water quality approach, and construction documents should be subject to a **new referral period**, not slipped in alongside a response letter. The public has a right to review and comment on the actual plans being considered for approval, not plans that were rewritten after the comment period closed.
4. **If the design can be so easily changed, what else may change after approval?** The developer's willingness to redesign a fundamental element of the project mid-review raises concerns about the reliability of any commitments made in the current application.

B. UNSTABLE SOILS & LANDSLIDE SUSCEPTIBILITY — "Evaluated and Designed to Mitigate"

What the Developer Claims:

The developer states that the geotechnical reports identify hazards and set out "an iterative, mitigation-driven pathway," that no hazards were identified that would "preclude development," and that similar retaining walls exist in The Retreat itself.

Rebuttal:

1. **"No hazards that preclude development" is not the same as "safe."** The developer carefully uses language that says development is not precluded — but The Retreat's concern was never that development is categorically impossible. The concern is that **the specific scale and nature of this project** — a 4,000+ foot public roadway and pedestrian bridge serving as the sole primary access and evacuation route for 343 homes, built across mapped landslide susceptibility areas — represents a **foreseeable and avoidable risk** of a fundamentally different magnitude than individual home retaining walls.

2. **The Tract C landslide proves the risk is not theoretical.** The developer acknowledges the Tract C slope failure but tries to distance the project from it by noting the proposed roadway is "an extension of the existing roadway. This argument actually **strengthens** The Retreat's concern: if the existing roadway was built in "similar natural conditions," and a slope failure has already occurred within that same hillside system, then building an even larger infrastructure project in similar conditions **amplifies, not mitigates,** the demonstrated risk. The Retreat's original letter noted that the Tract C landslide "is no longer theoretical and must be evaluated in light of subsequent slope failure within the same hillside system.

3. **The developer's own reports acknowledge risk cannot be eliminated.** The Bridge Report "acknowledges that, while risk cannot be eliminated entirely, it can be mitigated through proper engineering, design, construction, and maintenance." For a single home's retaining wall, residual risk is one thing. For the **sole primary access and evacuation route for 343 homes**, residual risk has life-safety implications that cannot be hand-waved away with standard engineering language.

4. **The cohesion factor concerns were not addressed.** The Retreat's original letter raised concerns about cohesion parameters that "significantly exceed those typically relied upon in conservative geotechnical practice" and were linked to the CTL 2014–2015 investigations. The developer mentions an "updated cohesion factor" but does not explain what changed, whether the updated factor addresses the specific concerns raised, or whether the prior conclusions remain valid under the updated parameters.

5. **"Preliminary by design" is not reassuring — it's alarming.** The developer states that "geotechnical investigations are preliminary by design and must be responsive to conditions identified during the construction process." The City is being asked to approve a project based on **preliminary** geotechnical work, with the assurance that they'll figure out the details during construction. For a project of this scale and consequence, the City should require **final, comprehensive geotechnical analysis before approval**, not after.

C. PDD DEVIATION — "No Deviation, Just Refinement"

What the Developer Claims:

The PDD is a "high-level planning document" that is "conceptual and subject to modification and refinement," and that "determining the final location of the road is simply a part of that refinement." The developer argues that "the RidgeGate PDD did not establish the location of roadways."

Rebuttal:

1. **There is a fundamental difference between refinement and replacement.** The PDD contemplates refinement of conceptual elements — adjusting alignment within a corridor, modifying intersection geometry, adapting to site conditions. It does not contemplate **abandoning an entire designated access corridor in favor of a completely different route through a different neighborhood.** The developer is not refining the Surrey Ridge access — they are eliminating it and substituting an entirely different corridor. That is not refinement; that is an amendment that requires the amendment process.

2. **The developer's own Alternative Access Memo acknowledges the PDD requirement.** The JR Engineering memo identifies Alternative 6 as the route "Identified in the RidgeGate PD District, 7th Amendment" and Alternative 7 as likewise "Identified in the RidgeGate PD District, 7th Amendment." If the PDD "did not establish the location of roadways," why does the developer's own engineer identify a specific PDD-designated route?

3. **The Retreat's original letter correctly identified the hierarchy.** The City of Lone Tree has adopted a clear hierarchy: PDDs govern first, followed by Sub-Area Plans, then the Municipal Code. Where conflicts exist, the higher standard governs. **The developer cannot use a lower-level approval process (subdivision plat) to override a higher-level planning document (PDD) without amending the PDD itself.**

4. **If "conceptual" means anything can change, the PDD is meaningless.** The developer's interpretation, that the PDD is so conceptual that an entirely different access corridor can be substituted without amendment, would render the PDD's circulation plan meaningless. Every developer could simply claim their preferred route is a "refinement" of whatever the PDD showed. The City should not accept an interpretation that eviscerates the purpose of its own planning framework.

5. **The developer spent 8 years engineering around the PDD requirement.** As documented in the Alternative Access Memo, the developer began securing easements for the Hillcamp corridor in 2017, dedicated ROW in 2019, and obtained a perpetual easement in 2020 — all for a route that was **not in the PDD.** This was not refinement discovered through the planning process; this was a **predetermined, multi-year strategy to replace the PDD-designated route.**

D. SURREY RIDGE (ALTERNATIVE 7) — "Evaluated and Found to Raise Concerns"

What the Developer Claims:

The Surrey Ridge options "were evaluated and found to raise material environmental and community-compatibility concerns, such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs." The developer states Alternative 1 was determined to be "the better option because it aligns the road in a way that causes less environmental impact and provides a higher quality road

Rebuttal:

1. **The developer's own data contradicts this claim.** Alternative 7 meets **all City and Fire Department access criteria** with the **lowest grade (4.7%)** of all seven alternatives and is **shorter** than Alternative 1 (3,717 LF vs. 4,077 LF). If Alternative 7 is technically superior on grade, length, and compliance, the claim that Alternative 1 is "the better option" requires extraordinary justification, which the developer has not provided.

2. **Every environmental concern cited for Surrey Ridge applies equally to Alternative 1.** The developer cites scrub oak removal, wildlife disruption, and visual impacts as reasons to reject Yet Alternative 1 also requires significant grading, scrub oak disturbance, retaining walls, and visual impact to The Retreat. The developer provides ~15.1 acres of scrub oak disturbance for the Surrey Ridge alternatives but **conspicuously omits the comparable figure for Alternative 1** — making a fair environmental comparison impossible and suggesting the comparison would not favor their preferred route.

3. **The Retreat exposed a devastating contradiction.** The October 2023 Southbridge Preserve Water Demand Study identifies a planned 12-inch Future Zone 3 transmission main running through the same Surrey Ridge/I-25 corridor the developer calls "environmentally infeasible." The developer cannot credibly claim environmental impacts preclude roadway construction while simultaneously planning major water infrastructure through the identical corridor. **This contradiction was raised in The Retreat's original letter and the developer's response does not address it at all.**

4. **The underpass contradiction remains unresolved.** The Retreat pointed out that the developer rejects Alternative 7 partly due to the "single-lane I-25 underpass" being inadequate, yet simultaneously relies on that same underpass route for emergency access through Surrey Ridge. The developer's response does not resolve this contradiction. If the underpass is inadequate for primary access, it cannot logically satisfy emergency access requirements — and if it satisfies emergency access, the inadequacy argument against Alternative 7 collapses.

5. **The alternatives analysis was unfairly weighted.** Alternative 1 received eight years of dedicated engineering — field staking, 3D modeling, geotechnical borings, slope stability analysis, iterative design, retaining wall design, landscape screening — while the Surrey Ridge alignment received only a cursory evaluation. The developer then compares a fully polished product to an unrefined concept and concludes their preferred route is superior. This is not objective analysis — it is advocacy dressed up as engineering.

E. EMERGENCY ACCESS — "Secured"

What the Developer Claims:

The property benefits from a "perpetual, non-exclusive easement" (Rec. No. 2020069125), the application will "determine the precise location for such access," and secondary access "is irrelevant to approval of the Application" because it "will be properly addressed in the final plat applications."

Rebuttal:

1. **"Irrelevant to approval" is a stunning claim for a 343-home subdivision.** The developer is asking the City to approve the primary access road for 343 homes while deferring secondary/emergency access to a later stage. The International Fire Code requires more than one fire apparatus access road when a single route could be impaired by congestion, terrain, or climatic conditions (IFC §503.1.2). Colorado wildfire planning guidance recommends two separate ingress/egress routes for developments exceeding 30 lots — Hillcamp exceeds that by more than tenfold. Calling emergency access "irrelevant" to this application is not just dismissive — it contradicts fire code requirements.
2. **No secondary access is legally secured.** The Retreat's original letter documented this clearly

Claimed Access	Status
Hillcamp Drive (Primary)	PROPOSED — part of this pending, unapproved application
Surrey Ridge / N. Heather Dr.	NOT SECURED — no recorded easement or ROW; road dead-ends at property
McArthur Ranch	NOT SECURED — 1999 easement limited to "driveway purposes" for Tract 56 only; 25 lane; no HOA consent

3. The developer's response does not dispute any of these facts. They simply assert the issue will be resolved later.
4. **The perpetual easement (Rec. No. 2020069125) was secured for the Hillcamp corridor — not Surrey Ridge.** This easement was obtained

Chuck Darnell

From: Raul Guadarrama <raulguadarrama@gmail.com>
Sent: Monday, May 25, 2026 1:02 AM
To: Chuck Darnell
Cc: Jonah Hunt
Attachments: Exhibit_C_Coverage_Matrix.pdf; Exhibit_B_PDD_Comparison.pdf; 9570 Viewside Drive_Comment_Letter_v1.pdf; Exhibit_L_GESC_Sheet4.pdf



To: Chuck Darnell, Principal Planner, City of Lone Tree Planning Division
CC: Jonah Hunt (Orten, Cavanagh, Holmes & Hunt, LLC), The Retreat at Ridgegate HOA Counsel

I am submitting a resident comment for the public record on application **SB25-0014 (Hillcamp Drive Filing No. 1)** in advance of the May 26, 2026 referral close. I live at 9570 Viewside Drive in The Retreat at RidgeGate, directly adjacent to the proposed Hillcamp Drive alignment.

The attached letter and exhibits set out specific deficiencies in the application, anchored to verbatim language from the City's February 11, 2026 Third Technical Review letter, the Colorado Geological Survey referral comment letter dated January 30, 2026, and the applicant's March 27, 2026 response materials. The comments are organized in the tier architecture the record supports and request specific City actions on each item.

Attachments to this submission:

1. **9570 Viewside Drive Comment Letter** (PDF). The main letter.
2. **Exhibit B.** PDD-Consistency Comparison: Lyric Drive corridor across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and aerial imagery dated May 17, 2026 (PDF, three panels).
3. **Exhibit C.** Coverage Matrix: City February 11, 2026 directive compared with Applicant March 27, 2026 Response Letter coverage (PDF).
4. **Exhibit L.** Annotated reproduction of GESC Plans, Sheet 4, depicting approximately 422 LF of construction fence on HOA-owned Tract M and surrounding HOA common areas, and the construction-staging area immediately adjacent to the Tract M stormwater retention pond (PDF, two panels).

I respectfully request that this comment be entered into the SB25-0014 referral record. Please confirm receipt via reply to raulguadarrama@gmail.com.

Raul Guadarrama
9570 Viewside Drive, Lone Tree, CO 80124
raulguadarrama@gmail.com

EXHIBIT C

Coverage Matrix — City of Lone Tree, February 11, 2026 Directive ↔ Applicant March 27, 2026 Response Letter

Filed in the Referral Record of the City of Lone Tree — SB25-0014 Hillcamp Drive Filing No. 1

The City directive (verbatim)

> *"Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary."*
>
> — City of Lone Tree, Third Technical Review Letter for SB25-0014, Feb. 11, 2026, at 1.

> *"Should the applicant choose to move forward without adequately addressing City staff's comments, staff may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20, for the reasons identified in the technical review comments below."*
>
> — Id. at 2.

What the applicant filed

Applicant Response Letter, JR Engineering, March 27, 2026 — 24 pages. Cover note states: "Please see the Applicant Team's comment responses to the third submittal comments made on February 11, 2026. The comment responses are in blue." (Applicant Response at 1.) The word "consolidated" does not appear in the letter. The substantive Colorado Geological Survey engineering response is deferred "under separate cover." (Id. at 6.)

Coverage matrix

Referral agency / commenter	R1 referral letter of record	Addressed in R2 City Response Letter (3/27/26)?	Treatment
Colorado Geological Survey (CGS)	Jan. 30, 2026 referral letter (Unique No. DU-26-0010_2); insufficiency finding	Deferred	Substantive engineering response not in this letter — "Geotechnical Comment Responses will be provided under separate cover." (Applicant Response at 6.) CGS has not rescinded the Jan. 30 finding.
South Metro Fire Rescue (SMFR)	Feb. 4, 2026 referral letter (REFPDP25-00321); ten comments; non-objection withheld	Not addressed	Zero mentions of "SMFR" or "South Metro Fire" in the 24-page response. McArthur EVA ~10% grade vs. SMFR 6% maximum; no variance sought.
Colorado Dept. of Transportation (CDOT)	R1 referral letter of record	Not addressed	No substantive response. I-25 interchange / ramp queue impacts unaddressed.

Colorado Parks and Wildlife (CPW)	Jan. 19, 2026 referral letter	Not addressed (partial bio-report only)	No response to the CPW referral letter. CTL | Thompson gates further SWAP-species habitat and foraging analysis on paid additional scope. (Applicant Response at 17, Bio ¶ 3.)
Douglas County	R1 referral letter of record	Stub only	One-line reference: “An email from Douglas County regarding the bridge has been included in resubmittal.” (Applicant Response at 4.) No substantive engagement with Douglas County Public Works on access or right-of-way.
The Retreat at RidgeGate HOA	Feb. 10, 2026 referral comment letter	Not addressed within the consolidated record	Referenced only as adjacent landowner; substantive objections not engaged. The Brownstein Hyatt Farber Schreck letter to The Retreat dated March 27, 2026 is a separate letter outside the City's submittal package and is not the consolidated response the City directed.
Surrey Ridge HOA	R1 referral letter of record	Not addressed	Zero mentions of “Surrey Ridge” in the 24-page response.
McArthur Drive Coalition	R1 referral letter of record	Not addressed	Zero mentions of “McArthur” in the 24-page response.
Southgate Water District	Recorded easement Reception No. 2017004197; Parcel 11 directly adjacent to the proposed cut	Not addressed	Zero mentions of “Southgate,” “Parcel 11,” or “Reception No. 2017004197” in the 24-page response. Easement ¶¶ 2, 9, 11 written-approval requirements not engaged.

Observation

Of the nine referral agencies and commenters of record, eight received no substantive response in the consolidated record, and the ninth (CGS) was deferred “under separate cover.” The City's February 11, 2026 letter tied the consolidated-response directive directly to Lone Tree Municipal Code § 17-5-20 Approval Standards: without adequate response, staff “may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20.” (City letter at 2.)

Sources

City of Lone Tree, Third Technical Review Letter for SB25-0014, Feb. 11, 2026, 15 pp.

JR Engineering, Applicant Response Letter to City of Lone Tree, March 27, 2026, 24 pp.

Brownstein Hyatt Farber Schreck, Applicant Response Letter to The Retreat at RidgeGate HOA, March 27, 2026.

Colorado Geological Survey, Referral Comment Letter (Unique No. DU-26-0010_2), Amy Crandall, P.E., Jan. 30, 2026.

South Metro Fire Rescue, Referral Comment Letter (REFPDP25-00321), Feb. 4, 2026.

Colorado Parks and Wildlife, Referral Comment Letter, Jan. 19, 2026.

Southgate Water District Water Utility Easement, Douglas County Reception No. 2017004197, recorded January 18, 2017.

EXHIBIT B

PDD-Consistency Comparison: Lyric Drive Corridor across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and As-Built Aerial Imagery (May 17, 2026)

Filed in the Referral Record of the City of Lone Tree — SB25-0014 Hillcamp Drive Filing No. 1

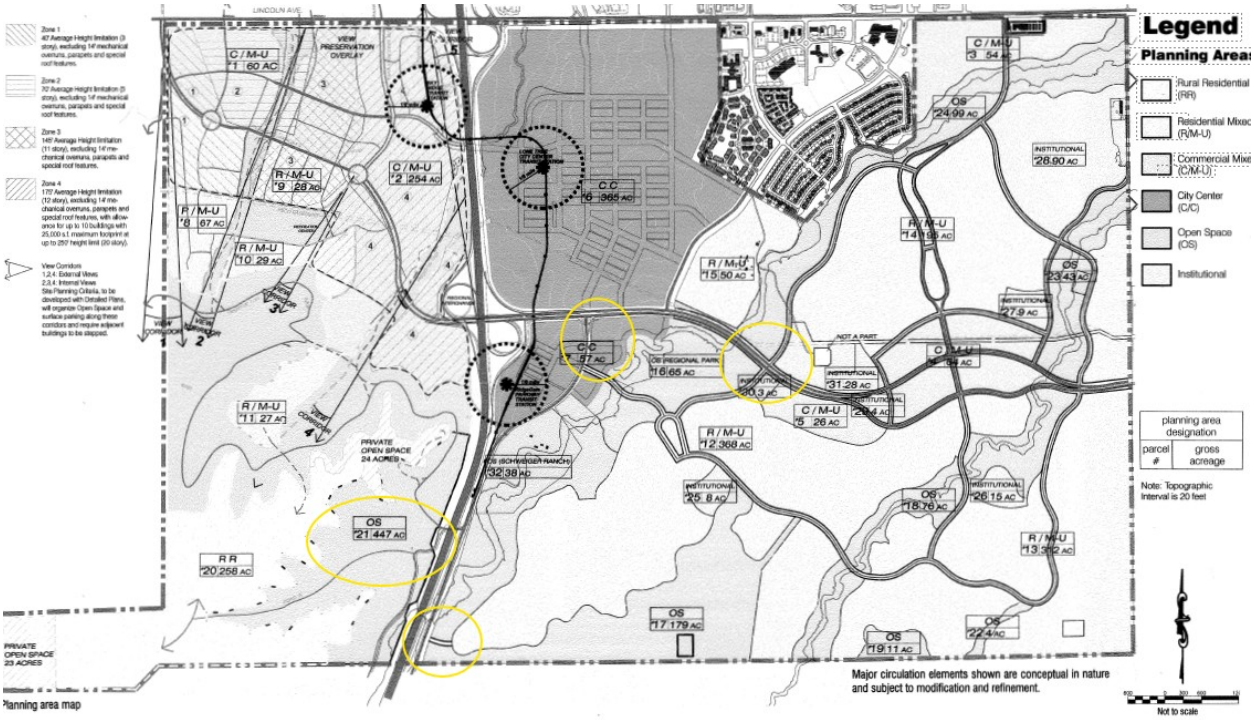
Purpose of this Exhibit

This Exhibit demonstrates that the standing disclaimer on the RidgeGate Planned Development District maps — "Major circulation elements shown are conceptual in nature and subject to modification and refinement" — has not, in fifteen years of RidgeGate build-out, licensed introduction of major circulation outside the PDD-depicted network. The Lyric Drive corridor is offered as the comparator: the same disclaimer that governs Hillcamp Drive governed Lyric Drive, and Lyric Drive was built consistent with the PDD depictions with no amendment required. The Hillcamp Drive alignment is different in kind: it abandons the PDD-designated Surrey Ridge access and introduces new collector-road access at the Cabela/Hillcamp end, where no PDD has ever depicted one, without a PDD amendment.

Panel 1

RidgeGate PDD, 3rd Amendment — Planning Areas Map

Recorded June 23, 2011



Caption

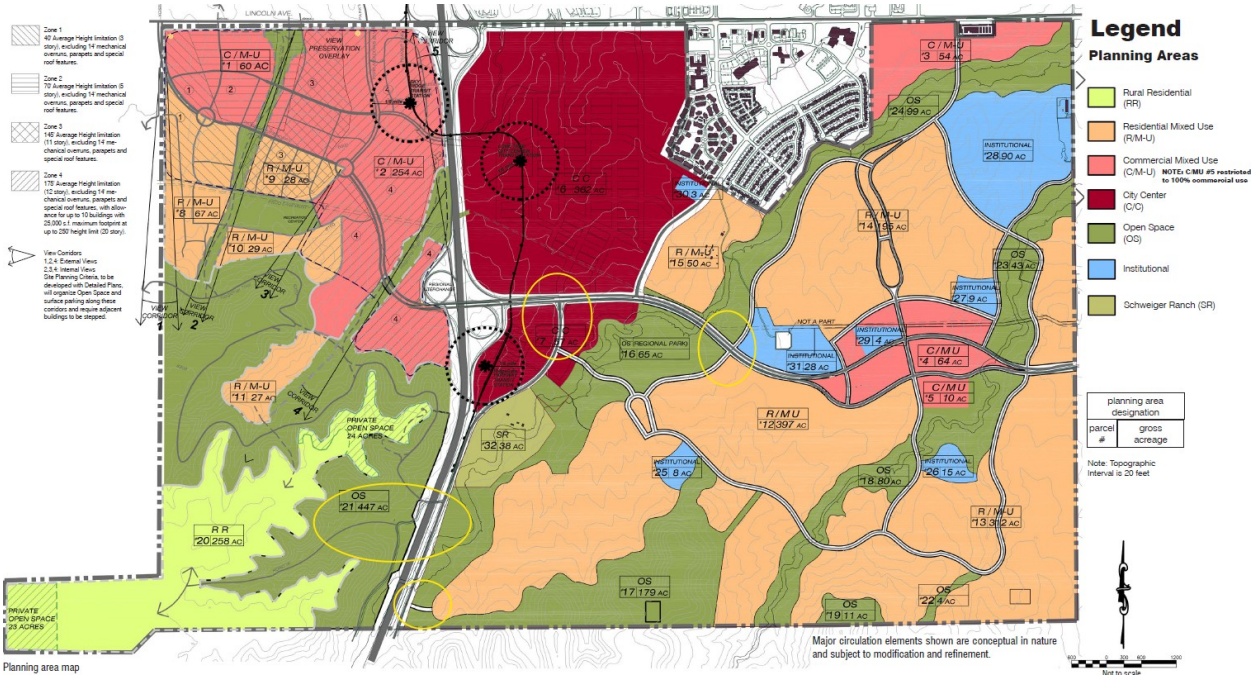
Major circulation network for the RidgeGate East planning area as depicted in the 3rd Amendment. The mesa-top arterial connects via the Surrey Ridge corridor (left/west side) to the regional road network. No access point is depicted at the Cabela/Hillcamp end. Highlighted

circles mark the access and intersection points that recur unchanged across all subsequent amendments and the as-built condition. Footer disclaimer: “Major circulation elements shown are conceptual in nature and subject to modification and refinement.”

Panel 2

RidgeGate PDD, 7th Amendment — Planning Areas Map

Recorded February 21, 2020 (Reception No. 2020012568); revised June 7, 2024



Caption

Same planning area, recolored for planning-area designations. The major circulation network is materially unchanged from the 3rd Amendment at the same access and intersection points (highlighted). The 7th Amendment continues to designate the Surrey Ridge end as the “Main Access Road” for the mesa-top arterial. No access point is depicted at the Cabela/Hillcamp end in this amendment or in any of the seven RidgeGate PDD amendments. Footer disclaimer is identical to the 3rd Amendment.

Panel 3

Aerial Imagery — RidgeGate East as built

May 17, 2026



Caption

Current built conditions. The Lyric Drive corridor and the other depicted arterials are constructed on the alignments depicted in the controlling PDD. Deviations are limited to internal-street geometry. The access and intersection points highlighted on Panels 1 and 2 match the as-built locations. No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed — the built alignment was consistent with the PDD depictions.

Observations the Exhibit supports

- Across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and as-built conditions (May 17, 2026), the major circulation network depicted in the controlling PDD has been honored. Deviations are limited to refinement of internal-street geometry within the PDD-depicted network.
- No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed — the built alignment was consistent with the PDD depictions. The “conceptual… subject to modification and refinement” disclaimer was not invoked to support the Lyric Drive build-out because no inconsistency with the PDD existed.
- By contrast, the Hillcamp Drive alignment proposed under SB25-0014 (a) abandons the PDD-designated Surrey Ridge access under the asserted pretext of “environmental infeasibility” — even though the applicant routes a 12-inch Zone 3 water transmission main serving the same 343-home development through that same corridor — and (b) introduces new collector-road access at the Cabela/Hillcamp end, where no PDD has ever depicted one.
- Refinement within the PDD-depicted network (the Lyric Drive precedent) and introduction of major circulation outside the PDD-depicted network (the Hillcamp Drive proposal) are different in kind. The disclaimer the applicant relies upon has, in fifteen years of RidgeGate build-out, supported only the former.

Sources

Panel 1: RidgeGate Planned Development District, 3rd Amendment, Planning Areas Map, recorded June 23, 2011, Douglas County, Colorado.

Panel 2: RidgeGate Planned Development District, 7th Amendment, Planning Areas Map, recorded February 21, 2020, Douglas County, Colorado, Reception No. 2020012568; revised June 7, 2024.

Panel 3: Aerial imagery of RidgeGate East, dated May 17, 2026.

Resident Comment Letter on Hillcamp Drive Filing No. 1 (SB25-0014)

Filed in the Referral Record of the City of Lone Tree

To: Chuck Darnell, Principal Planner, City of Lone Tree Planning Division (chuck.darnell@cityoflonetree.com) **From:** Raul Guadarrama, Resident of The Retreat at RidgeGate, directly adjacent to the proposed location of Hillcamp Drive **Date:** May 26, 2026 **Re:** SB25-0014, Hillcamp Drive Filing No. 1. Resident supplemental comment for the referral record.

I. Introduction

I submit this comment as a resident of The Retreat at RidgeGate whose property and quality of life would be directly and permanently impacted by the proposed Hillcamp Drive alignment. The Retreat's institutional position is set forth in the separate letter filed by Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026. This resident letter is filed in parallel to load specific record evidence and verbatim quotation from the applicant's own filings into the SB25-0014 record before the May 26, 2026 referral close.

The proposition that organizes the comments below is straightforward: the road plat is the bottleneck. Hillcamp Drive Filing No. 1 is the access spine for the entire Hillcamp / Southridge development. Each deficiency identified below either (a) prevents the City from making one of the affirmative findings required under Lone Tree Municipal Code § 17-5-20, or (b) is itself a finding the City or a statutory referral agency has already made adverse to the application and which has not been cured on the present record.

The applicant's documents do the heaviest lifting in what follows. I quote verbatim and pin-cite.

II. Executive Summary

In its February 11, 2026 Third Technical Review letter, City staff stated that "if the applicant fails to adequately respond to the following topics … in their next resubmittal, it is likely that City staff will not be able to produce draft findings that would support a staff recommendation of approval on the Final Plat application (SB25-0014)" (City letter at 2). The applicant's March 27, 2026 resubmittal does not cure the topics the City flagged. It declines several City directives outright, defers others under separate cover, and ignores the City's express directive to provide a consolidated response to "all referral comment received" (City letter at 1).

The deficiencies below are organized into three tiers, mirroring the structure of the record.

Tier 1. Blocking conditions the City or a statutory referral agency has already identified.

- **D1. Failure of Approval Standard #3 (Tract M).** The City found on February 11, 2026 that "the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code" because the applicant "is not the owner of Tract M and has provided no authority to

convey storm drainage into the pond located on Tract M" (City letter at 4, Planning paragraph 3). The applicant's response withdraws the Tract M pond and substitutes a hydrodynamic separator. That substitution does not cure the underlying authority defect and raises an unanswered question about whether a water-quality device alone satisfies the City's Storm Drainage Design and Technical Criteria Manual without volumetric detention.

- **D2. PDD-designated access abandoned; new access introduced where no PDD contemplated one.** The RidgeGate PDD 7th Amendment, Sheet 7 of 8 (recorded Feb. 21, 2020, Reception No. 2020012568), designates the Surrey Ridge end as the "Main Access Road." The Hillcamp / Cabela end has never been depicted or designated as an access point in any of the seven RidgeGate PDD amendments. The applicant's chosen alignment for SB25-0014 does two things at once without a PDD amendment. First, it abandons the PDD-designated Surrey Ridge access on the asserted ground of "environmental infeasibility," even though the applicant routes a 12-inch Zone 3 water transmission main serving the same 343-home development through that same corridor. Second, it introduces new collector-road access at the Cabela end, where no PDD has ever contemplated one. The applicant's defense relies on the PDD's "Major circulation elements shown are conceptual in nature and subject to modification and refinement" disclaimer. Exhibit B demonstrates that the disclaimer has not, in fifteen years of RidgeGate build-out, licensed introduction of major circulation outside the PDD-depicted network. *Crispin v. Bd. of Cnty. Comm'rs*, 232 P.3d 161 (Colo. App. 2009), holds that approval inconsistent with the controlling planned-development document exceeds the reviewing body's jurisdiction.
- **D3. Colorado Geological Survey insufficiency finding has not been cured.** CGS, the statutory referral authority under C.R.S. §§ 34-1-302 and 30-28-136, found the geotechnical investigation insufficient on January 30, 2026 (Unique No. DU-26-0010_2). The applicant's geotechnical consultant has not retracted the "for planning purposes only" qualifier that appears on both the November 13, 2025 letter (Project No. DN52,378.000-115-L2) and the March 27, 2026 letter (Project No. DN52,378-125-L2). The applicant's own engineer disclaims design-level reliance on the very work the application asks the City to accept as the basis for the road plat.
- **D5. Recorded Southgate Water District easement; documented adjacent utility-failure-slope-failure precedent.** Parcel 11 of the Southgate Water District easement, recorded January 18, 2017 (Reception No. 2017004197), lies immediately adjacent to the proposed Hillcamp Drive cut across Tracts C, K, L, and O. Paragraphs 2, 9, and 11 of that recorded instrument require advance written authorization from the District for parallel utilities and for modification of earth cover, and authorize the District to remove non-conforming work "at Grantor's expense." The construction documents do not depict the easement boundary. The applicant's response, "There is no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway" (Applicant Response Letter to City at 20), addresses only the finished road prism. It does not address upslope encroachment into the easement Property by the construction footprint (GESC disturbance, staging, dewatering, fill placement), and it does not engage the documented record of three water-line breaks on Tract C in 2024 that cost $500,153 to repair under the May 6, 2025 Cost Share Agreement and that are now the subject of pending litigation in Arapahoe County District Court Case No. 2025CV30307 (trial January 2027). The permanent 8-inch replacement waterline being designed by Burns and McDonnell is itself not yet routed; its

bid timing is gated by Shannon and Wilson's geotechnical analysis of Century's discovery production in that case.

- **D10. Procedural defect; consolidated-response directive ignored.** The City directed on February 11, 2026: "Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary" (City letter at 1). The applicant's March 27, 2026 Response Letter is 24 pages and addresses only City Attorney, Planning, and Public Works comments. The substantive Colorado Geological Survey engineering response is deferred "under separate cover." The letter contains zero mentions of "Surrey Ridge," "McArthur," "Southgate," "Parcel 11," "SMFR," "South Metro Fire," "eagle," or "raptor." See Exhibit C (coverage matrix). The City's own letter warned at page 2 that without adequate response, staff "may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20."

Tier 2. Required findings the City cannot competently make on the present record (D4 SMFR; D6 modeling change without geological change; D7 downstream conveyance; D8 EVA alignment approximate by the applicant's own callout). Each is anchored verbatim in the body below.

Tier 3. Pattern of disregard supporting compatibility findings under § 17-5-20 (D9).

Reserve. Notice-defect preservation (D11), Track A.

The body below sets out each item with the verbatim record evidence and pin-cite. I respectfully request that the City decline to advance the application until each deficiency is cured on the record.

III. Tier 1. Blocking Conditions

D1. Failure of Approval Standard #3: Tract M storm-drainage conveyance

City finding (verbatim):

> "The proposed drainage facility design anticipates conveying storm drainage from the subdivision into Tract M of Ridgegate – Section 22 Filing No. 1 Amendment No. 2, which is owned by the Retreat at Ridgegate Homeowners Association, Inc. … Because the applicant is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M, the Applicant cannot fulfill the requirements of the Storm Drainage Design and Technical Criteria Manual. As a result, the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code."

City letter at 4, Planning paragraph 3.

Applicant response: "Improvements located within Tract M are no longer proposed. All storm drainage outfalls occur outside of property owned by the Retreat." *Applicant Response Letter to City at 4.* The Tract M detention pond is withdrawn and a hydrodynamic separator is substituted. *Id.* at 14, Phase III Drainage paragraph 7.

Why the substitution does not cure Approval Standard #3. A hydrodynamic separator is a water-quality treatment device. It does not provide volumetric detention. The record does not establish that the revised drainage scheme satisfies the City's detention requirements under the Storm Drainage Design and Technical Criteria Manual without the Tract M pond. The City's Public Works directive, that the applicant "pursue an easement and discussions with The Retreat to allow this construction to tie into the existing Type C inlet" (City letter at 13, PW Const. Docs. paragraph 6), was not engaged; the applicant instead withdrew to its own property line. The Retreat at RidgeGate HOA has not authorized any conveyance of storm drainage into Tract M and has communicated that position to City staff. The Board of Directors of The Retreat at RidgeGate HOA will not grant the applicant any rights in Tract M. The HOA's governing documents require supermajority owner approval for any such conveyance, which has not been sought and which the Board does not intend to put to the membership.

Eleven of twelve sub-basins are engineered concentrated discharge into named features owned by the HOA, not natural sheet flow. Under *Calvaresi v. Brannan Sand & Gravel Co.*, 534 P.2d 652, 654–55 (Colo. App. 1975), concentrated engineered discharge is not protected by the civil-law servitude rule of *Hankins v. Borland*, 163 Colo. 575, 432 P.2d 1015 (1967). OS5 sheet flow is conceded as natural drainage; the remaining eleven sub-basins require the HOA authority the applicant does not have.

Additional unauthorized use of HOA-owned tracts depicted in the construction documents. The Tract M problem is not limited to storm-drainage conveyance. Sheet 4 of the GESC Plans (reproduced at Exhibit L) depicts approximately 422 linear feet of construction fence located on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to Tract M itself. The HOA has not authorized placement of construction fence, staging features, or any other construction installation on HOA-owned property. Independently, the GESC Report at 6, § 1-F concedes that "while vehicle fueling is expected on-site, there is no designated area for fueling at this time" and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." Tract M is a stormwater retention facility, and the staging area depicted on Sheet 4 lies immediately adjacent to it. The construction documents thus depict (a) unauthorized occupation of HOA-owned property by construction installations, and (b) staging of construction activity within 100 feet of an HOA-owned stormwater feature, with no fueling-area designation that would demonstrate compliance with the applicant's own GESC standard.

Requested action. That the City affirm its February 11, 2026 finding under Approval Standard #3 and require, as a condition of any further advancement: (a) either a recorded authorization from The Retreat at RidgeGate HOA for any conveyance of storm drainage into HOA-owned tracts, or a demonstration that the revised drainage design satisfies the Storm Drainage Design and Technical Criteria Manual without any HOA-owned conveyance; (b) removal from the construction documents of all construction fence, staging features, and other construction installations depicted on HOA-owned tracts, absent a recorded authorization from the HOA; and (c) a designated fueling area on the construction documents demonstrating compliance with the applicant's own 100-foot setback standard relative to Tract M and other on-site drainage features.

D2. PDD-designated access abandoned; new access introduced where no PDD contemplated one

The RidgeGate Planned Development District, 7th Amendment, recorded February 21, 2020 (Reception No. 2020012568), revised June 7, 2024, Sheet 7 of 8, is the controlling planned-development document:

- Surrey Ridge end of the mesa-top arterial: designated "Main Access Road" by the 7th Amendment and consistent across all prior PDDs.
- Hillcamp / Cabela end: never depicted or designated as an access point in any of the seven RidgeGate PDD amendments.

The applicant's chosen alignment for SB25-0014 does two things at once without a PDD amendment. First, it abandons the PDD-designated Surrey Ridge access. Second, it introduces new collector-road access at the Cabela / Hillcamp end, where no PDD has ever contemplated one. The applicant's defense rests on the PDD's standing disclaimer: *"Major circulation elements shown are conceptual in nature and subject to modification and refinement"* (PDD Sheet 7 footer).

Exhibit B (attached) demonstrates the disclaimer does not, in practice, license introduction of major circulation outside the PDD-depicted network. Three-panel comparison: (1) PDD 3rd Amendment, recorded June 23, 2011; (2) PDD 7th Amendment, recorded February 21, 2020; (3) aerial imagery dated May 17, 2026. The Lyric Drive corridor and the other RidgeGate arterials are constructed on the alignments depicted in the PDDs, with deviations limited to internal-street geometry. Across fifteen years of RidgeGate build-out, the disclaimer has supported refinement of the PDD-depicted network, not the addition of major circulation outside it. No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed; the built alignment was consistent with the depictions in the controlling PDD. The Hillcamp alignment is a different case. It abandons a PDD-designated access point and adds an access point at a location no PDD has ever depicted.

The applicant's own filings concede the depicted alignment was relied upon. The applicant's Brownstein Hyatt Farber Schreck response letter to The Retreat dated March 27, 2026 concedes that "the location is not exactly as depicted in the high-level planning document" (Brownstein Letter at 5).

The "environmentally infeasible" rejection of the PDD-designated Surrey Ridge alignment is contradicted by the applicant's own contemporaneous infrastructure routing. The October 2023 Southridge Preserve Water Demand Study, the Parker Water and Sanitation District (PWSD) inclusion materials for Tract AZ, and the SB25-0010 Fourth Submittal Response all show a 12-inch Zone 3 transmission main routed through the same Surrey Ridge / I-25 underpass corridor that the applicant declares "environmentally infeasible" for a road. The corridor is trenchable for a water main by the applicant's own design; the "infeasible" rejection is not supported on the record.

Controlling authority. *Crispin v. Bd. of Cnty. Comm'rs*, 232 P.3d 161 (Colo. App. 2009), holds that land-use approval inconsistent with the controlling planned-development document exceeds the reviewing body's jurisdiction. *Conder v. City of Colorado Springs*, 927 P.2d 1339 (Colo. 1996), reinforces the master-plan-consistency framework.

Requested action. That the City require either (a) a PDD amendment to designate the Cabela / Hillcamp access and to release the Surrey Ridge designation, under Lone Tree Municipal Code §§ 16-15-20 and 16-15-80, with attendant notice; or (b) a finding on the record that the chosen alignment is consistent with the PDD as depicted across the 3rd, 4th, 5th, 6th, and 7th Amendments.

D3. Colorado Geological Survey insufficiency finding has not been cured

CGS, the statutory referral authority for geological hazards under C.R.S. §§ 34-1-302 and 30-28-136, issued a January 30, 2026 referral comment letter to the City (Unique No. DU-26-0010_2; Amy Crandall, P.E.) finding the geotechnical investigation insufficient. CGS has not rescinded that finding. The City's February 11, 2026 letter directed: "Planning staff will require that the following comments from the CGS referral comment letter dated January 30, 2026 be addressed. a. A final geotechnical report (not a preliminary report) will be required prior to plat approval" (City letter at 5).

The applicant's geotechnical consultant continues to disclaim design-level reliance. The CTL│Thompson slope stability letters dated November 13, 2025 (Project No. DN52,378.000-115-L2) and March 27, 2026 (Project No. DN52,378-125-L2) both carry the qualifier that the work is "for planning purposes only." The change between November and March is a change in modeling, not in geology. There has been no construction on the hillside between the two letters; the hillside is the same.

The "short-term duration" defense the applicant has carried since the November letter is foreclosed by CGS. The January 30, 2026 CGS letter states that "tolerance for interim or localized instability is significantly lower than for private or secondary access roads."

Specific City directives the applicant declined or refused:

- Minimum 4:1 slopes (City letter at 7–8, Slope Stab. paragraphs 5, 12; PW Const. Docs.). Applicant: "3:1 slopes have been specifically analyzed for stability, and will only be utilized where they have been analyzed to meet stability requirements." *Applicant Response at 8.* Refused three times.
- No landscaping on Tract B due to CGS-identified slope instability (City letter at 5, Plat Sheet 1 paragraph 2). Applicant: drip irrigation "will not impact the stability of the roadway slopes." *Applicant Response at 5.* Refused.
- No irrigation on Tract B (City letter at 11, Const. Docs. paragraph 3). Applicant: "Temporary, above ground irrigation may be utilized." *Applicant Response at 16.* Refused.
- Reroute drainage away from sub-fill drains (CGS-concurred with CTL's own recommendation; City letter at 6). Applicant: "It is not feasible for the drainageways to be rerouted." *Applicant Response at 6.* Refused over the applicant's own geotechnical consultant's recommendation.

Requested action. That the City require either (a) CGS retraction of the January 30, 2026 insufficiency finding in writing prior to plat approval, or (b) compliance with each of the four directives above on the present record.

D5. Recorded Southgate Water District easement; documented adjacent utility-failure-slope-failure precedent

The recorded instrument. The Southgate Water District easement was recorded January 18, 2017 in Douglas County under Reception No. 2017004197. Parcel 11 of the easement comprises approximately 1.231 acres (about 53,626 sf) across Tracts C, K, L, and O of the existing Retreat at RidgeGate subdivision and lies directly adjacent to the proposed Hillcamp Drive cut alignment.

Paragraph 2 (verbatim, with the enforcement clause restored) prohibits the Grantor from constructing, placing, or permitting on the Property "any structure or building, … or planting of any tree, woody plant, or nursery stock." Paragraph 2 closes: *"Any prohibited use or installation located on the Property as of or after the date of this Agreement, including utility installations not conforming to Paragraph 11 (eleven) hereof, may be removed by the Distributor at Grantor's expense without liability for damages arising therefrom."*

Paragraph 9 (verbatim, with the reimbursement clause restored) requires "advance written authorization from the Distributor … which shall provide for full payment or reimbursement to the Distributor of all costs of adjusting Distributor facilities made necessary by such modification."

Paragraph 11 requires advance written approval for any parallel utilities.

The applicant's response addresses only the finished road prism, not the easement Property. Applicant Response to City at 20: *"There is no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway."* That answer does not address: (a) upslope encroachment into Parcel 11 by the construction footprint, including GESC disturbance, staging, dewatering, equipment access, fill placement, and fences; (b) the engineering math from a 20–30 ft cut in cohesive Front Range soils, where the 30–45 ft lateral influence zone reaches into Parcel 11 even where the finished road prism does not; and (c) the documented record of utility-failure-slope-failure on the same hillside.

The documented record on the adjacent slope:

- Three water-line breaks on Tract C in 2024 (March 30, May 5, and June 24, 2024). *Retreat at Ridgegate, LLC and Century Communities, Inc. v. Southgate Water District*, Arapahoe County District Court Case No. 2025CV30307, Complaint paragraph 16 (filed Feb. 4, 2025).
- $500,153 cost-shared hillside repair under the May 6, 2025 Cost Share Agreement; $323,797 paid by Century Communities and $176,356 paid by the City of Lone Tree.
- Active negligence litigation, trial date January 2027. Same hillside, same Dawson Arkose / claystone mechanism.
- Pending CDARA Notice of Claim from a downstream homeowner to Century arising from the same hillside mechanism. Complaint paragraph 21.
- April 2026 update from Southgate to The Retreat HOA Board: the temporary fire-hydrant loop-closing line on Tract C has been removed; The Retreat is presently on SMFR tender response with hydrant pressure "OK" but below SMFR's preferred fire-suppression pressure; the Burns and McDonnell permanent 8-inch replacement waterline is still being designed and is not yet routed; and bid timing originally July or August 2026 is now contingent on Shannon and Wilson's geotechnical analysis of Century's discovery production in Case No. 2025CV30307.

Sequencing problem on the City's record. The City is being asked to approve approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill (net 88,729 cubic yards of material export) across 12.26 acres of disturbance (GESC Report at 6, § 1-C) on the corridor immediately adjacent to an easement whose permanent replacement waterline is itself not yet routed and whose adjacent hillside has failed under utility-line stress within the past two years. The applicant's flat "unrealistic to assume" answer does not engage that record.

Requested action. That the City require, as a condition of any advancement, (a) construction documents that depict the Parcel 11 boundary against the construction footprint; (b) advance written approval from Southgate Water District under Paragraphs 2, 9, and 11 of the recorded easement, on the record; and (c) a finding that the timing of the Hillcamp construction does not interfere with the permanent replacement waterline whose routing remains open.

D10. Procedural defect: consolidated-response directive ignored

City directive (verbatim):

> "Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary."

City letter at 1.

> "Should the applicant choose to move forward without adequately addressing City staff's comments, staff may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20, for the reasons identified in the technical review comments below."

City letter at 2.

> "Please note that if the applicant fails to adequately respond to the following topics … in their next resubmittal, it is likely that City staff will not be able to produce draft findings that would support a staff recommendation of approval on the Final Plat application (SB25-0014)."

City letter at 2.

What the applicant filed. The March 27, 2026 Applicant Response Letter, 24 pages, JR Engineering, addresses only City Attorney, Planning, and Public Works comments. The substantive Colorado Geological Survey engineering response is deferred "under separate cover" (Applicant Response at 6). The strings "Surrey Ridge," "McArthur," "Southgate," "Parcel 11," "SMFR," "South Metro Fire," "eagle," and "raptor" do not appear in the letter. The word "consolidated" does not appear in the letter.

See Exhibit C, Coverage Matrix. The matrix shows that of the referral agencies and commenters of record (CGS, SMFR, CDOT, CPW, Douglas County, The Retreat HOA, Surrey Ridge HOA, McArthur Drive Coalition, and the Southgate Water District as recorded easement holder), only one (CGS) appears in the consolidated response, and that response is deferred under separate cover.

Significance under § 17-5-20. The City's own letter ties the consolidated-response directive to the Approval Standards: without adequate response, staff "may be unable to find that the project

is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20" (City letter at 2). The applicant did not adequately respond.

Requested action. That the City decline to find consistency with § 17-5-20 on the current record, and require a true consolidated response letter that addresses each referral agency comment of record before any further advancement.

Pending records requests preserved. Colorado Open Records Act requests under C.R.S. §§ 24-72-201 *et seq.* were transmitted on May 18, 2026 to the City of Lone Tree and to the Southgate Water District. As of the date of this letter, the City has requested a seven-day extension on its response and the Southgate Water District has not responded. Materials returned in response to those requests may further inform the record and are preserved.

IV. Tier 2. Required Findings the City Cannot Competently Make on the Present Record

Under *Bd. of Cnty. Comm'rs of La Plata Cnty. v. Bowen/Edwards Assocs.*, 830 P.2d 1045, 1053–54 (Colo. 1992), a reviewing body's affirmative finding must be supported by competent evidence in the record. The following items show the record is not competent on its face.

D4. South Metro Fire Rescue: ten comments unaddressed; no non-objection letter

SMFR's February 4, 2026 referral letter (REFPDP25-00321) listed ten comments. SMFR has not provided a non-objection. The McArthur Drive EVA's approximately 10% grade exceeds SMFR's 6% maximum for fire-apparatus access; no variance has been sought.

Applicant's representation of SMFR's posture, R1 to R2. The R1 response stated: "has worked with South Metro Fire and will provide in the Preliminary Plan a safe and approvable right of way cross section." The R2 response stated: "All roadways shall meet the emergency access requirements of South Metro Fire Rescue." No SMFR letter supports either statement. The applicant's Brownstein letter to The Retreat goes further: "the selected access concept meets City and Fire Department access criteria" (Brownstein Letter at 7). SMFR has not endorsed that representation in writing.

International Fire Code Appendix D § D107.1 requires two fire-apparatus access roads for developments with more than 30 dwelling units. The Hillcamp project proposes 343 units. The recorded 1999 driveway easement on McArthur Ranch (Doc. No. 99014022, Feb. 4, 1999) is limited to "driveway purposes" for a specific tract and does not authorize mass civilian or emergency egress for 343 homes. The 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via gated road.

Real-world capacity evidence. On May 15, 2026, a fatal accident closed I-25 in the project area for approximately three hours. Residents reported being stranded on arterials. The Hillcamp Traffic Impact Study (3,136 ADT, single-weekday count) was not modeled against that real-world spillover load. The Lone Tree 2025 Community Wildfire Protection Plan identifies roadway congestion under simultaneous evacuation as a life-safety vulnerability.

Requested action. That the City require, as a condition of advancement, (a) an unconditional non-objection letter from SMFR under IFC § D107.1 on the current geometry, and (b) recorded

legal access for any secondary or emergency-access route, with Douglas County Public Works consent under C.R.S. § 43-1-106 where the route traverses County right-of-way.

D6. Methodological change without geological change: November-to-March Factor of Safety

CTL│Thompson Project No. DN52,378.000-115-L2, dated November 13, 2025. CTL│Thompson Project No. DN52,378-125-L2, dated March 27, 2026. The same hillside, four months apart, with no construction between the two letters. Both letters carry the "for planning purposes only" qualifier.

The November letter showed sub-1.0 interim Factor of Safety values at multiple cross-sections; values that footnote acknowledged as below the stability threshold. The March letter shows the same cross-sections passing, without any geological change on the hillside. What changed is the model: friction-angle parameters (including a 30° to 34° increase on Dawson sandstone, disclosed at March letter p. 6 with stated basis as back-analysis of stable slopes from the unrelated Mesa Tops project), cross-section locations, layer geometry, and material parameters.

The applicant has not produced a same-scale overlay of November Figures 1A/1B against March Figures 1A/1B, which would test whether the cross-sections are at the same stations. The 38% drop in existing-condition Factor of Safety at cross-section B/B-B′ (Left-to-Right) with no construction is strongly inconsistent with re-running the same model at the same stations.

Requested action. That the City direct the applicant to produce the November-to-March Figures 1A/1B overlay at common scale, and that any plat approval be conditioned on a final (non-"planning purposes only") geotechnical report meeting the CGS January 30, 2026 sufficiency standard.

D7. Downstream conveyance for 48 Cottonwood Creek homes not analyzed

The Hillcamp Drainage Report stops at design points. The report acknowledges a 46% increase in 5-year flows at DP 4.1 and a smaller percentage at downstream points, but the applicant did not perform a wall-stability analysis on the engineered retention walls that protect 48 existing Cottonwood Creek homes downstream. Those walls were designed against pre-Hillcamp hydrology. Whether the increase is material is the question the analysis would answer.

The applicant's debris-flow position contradicts its own Pedestrian Bridge Geotechnical Report (Nov. 20, 2025), which admitted the project "may increase debris flow susceptibility downstream." The Applicant Response to City states: "We anticipate the debris flow in the existing and developed condition to be similar" (Applicant Response at 8). No analysis is provided.

Requested action. That the City require a wall-stability analysis on the downstream retention walls under the projected Hillcamp hydrology before any plat approval.

D8. EVA alignment expressly approximate by applicant's own callout

The Western EVA Access Exhibit submitted with the R2 package carries the applicant's own callout: *"alignment through future amenity center is approximate and subject to change."* An emergency-access route whose alignment is conceded approximate cannot support an affirmative finding under § 17-5-20 that adequate access is established.

V. Tier 3. Pattern of Disregard Supporting Compatibility Findings

D9. Pattern of disregard for existing community and agency input

The following items, considered together, support a § 17-5-20 finding that the project as proposed is not compatible with the existing community:

- Approximately 745 linear feet of existing trail will be removed with no temporary access provided to the community while the road is being constructed, including approximately 445 LF at the Cabela / Viewside connector. No Retreat-side connector replacement is proposed. This is offered as compatibility evidence under § 17-5-20, not as a prescriptive easement claim; the six-year use period does not satisfy the eighteen-year threshold under *Lobato v. Taylor*, 71 P.3d 938 (Colo. 2002).
- Construction noise within 100 feet of Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route for the multi-year Hillcamp build-out. The applicant has not offered a noise study and contends none is required.
- The applicant's biological consultant declined to perform Colorado Parks & Wildlife SWAP species habitat and foraging analysis unless paid additional scope is purchased (Applicant Response at 17, Bio paragraph 3: "Additional scope may be required if CTL|T is to provide mitigation and minimization recommendations for species. We can provide this on request.").
- Refusal of the City's Gambel oak removal directive for fire-mitigation reasons (Applicant Response at 16).
- The applicant's corporate parent (Century Communities) is withholding geotechnical discovery production that the easement holder's permanent waterline designer (Shannon and Wilson, on behalf of Southgate) requires to finalize the design of the adjacent permanent replacement line, in active litigation, while concurrently asking the City to approve approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill across 12.26 acres of disturbance (GESC Report at 6, § 1-C) on the adjacent corridor.
- No substantive response was provided to The Retreat HOA's February 10, 2026 referral comment letter within the consolidated City record; the separate Brownstein letter dated March 27, 2026 is not part of the City's submittal record and is not the consolidated response the City directed.
- The construction documents depict approximately 422 linear feet of construction fence on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to the HOA-owned Tract M stormwater retention pond, with no HOA authorization sought or obtained (GESC Plans Sheet 4; see D1 above).

VI. Reserve. Notice-Defect Preservation, Track A

I preserve, without elaboration in this letter, the question whether the certified mailing list for SB25-0014 satisfied the mailed-notice requirements of C.R.S. §§ 30-28-116(2), 30-28-133, and 31-23-304, and Lone Tree Municipal Code §§ 16-15-20 and 16-15-80, including notice to adjacent owners within 200 feet at least 15 days prior to hearing, including notice to Douglas County officials, McArthur Ranch residents, and Surrey Ridge residents. *Citizens for Balanced Growth v. Montrose Cnty.*, 235 P.3d 1203 (Colo. App. 2010), recognizes that defective statutory notice voids the underlying land-use action.

VII. Statutory Authority for Denial

The City has independent statutory authority to deny, condition, or require redesign of the application on this record:

- C.R.S. § 29-20-104. Local government authority over development in hazardous areas.
- C.R.S. § 29-20-304. Adequate water supply finding required prior to approval.
- C.R.S. § 24-65.1-202. Areas of state interest (geological hazard areas).
- C.R.S. § 24-67-105. PDD density as a ceiling, requiring findings tying the 343-unit count to demonstrated capacity.
- C.R.S. §§ 34-1-302 and 30-28-136. CGS statutory referral; the Planning Commission must consider the CGS report.
- C.R.S. § 43-1-106. County authority over County roads (relevant to McArthur EVA).
- Lone Tree Municipal Code § 17-5-20. Approval Standards. The City has already invoked § 17-5-20 against the application on Approval Standard #3 and has tied the consolidated-response directive directly to § 17-5-20.

The applicable judicial standard is *Bowen/Edwards*: a reviewing body's affirmative finding must be supported by competent evidence. Approval on the present record exposes the City to C.R.C.P. 106(a)(4) review on a record that does not support the required findings. *Friends of the Black Forest Preservation Plan, Inc. v. Bd. of Cnty. Comm'rs of El Paso Cnty.*, 2016 COA 54, 381 P.3d 396, vacated a land-use approval on an unsupported record.

VIII. Conclusion and Request

The applicant's March 27, 2026 resubmittal does not cure the topics the City flagged on February 11, 2026 as gating to a staff recommendation of approval. The City's own letter ties the deficiencies directly to the § 17-5-20 Approval Standards. The Colorado Geological Survey insufficiency finding remains in place. South Metro Fire Rescue has not provided non-objection. The Tract M / Approval Standard #3 finding has been edited around rather than cured. The recorded Southgate Water District easement adjacent to the proposed cut has not been engaged. The consolidated response to referral comments that the City directed was not provided.

I respectfully request that the City decline to advance SB25-0014 to public hearing on the current record, and that any further advancement be conditioned on cure of the deficiencies above.

Respectfully submitted,

Raul Guadarrama Resident, The Retreat at RidgeGate. Directly adjacent to the proposed Hillcamp Drive alignment. 9570 Viewside Drive, Lone Tree, CO 80124 raulguadarrama@gmail.com May 26, 2026

Exhibits

- **Exhibit A.** City of Lone Tree, Third Technical Review Letter for SB25-0014, dated February 11, 2026 (15 pages).
- **Exhibit B.** PDD-Consistency Comparison: Lyric Drive corridor across RidgeGate PDD 3rd Amendment (recorded June 23, 2011), PDD 7th Amendment (recorded February 21, 2020, Reception No. 2020012568), and aerial imagery dated May 17, 2026. Three panels.
- **Exhibit C.** Coverage Matrix: City Feb. 11, 2026 directive compared with Applicant March 27, 2026 Response Letter structure. Referral-agency response status.
- **Exhibit D.** Recorded Southgate Water District easement, Douglas County Reception No. 2017004197, recorded January 18, 2017 (23 pages, including Easement Agreement, Exhibit A legal descriptions for Parcels 1 through 11, and eleven-sheet survey exhibit).
- **Exhibit E.** Colorado Geological Survey referral comment letter dated January 30, 2026 (Unique No. DU-26-0010_2, Amy Crandall, P.E.).
- **Exhibit F.** South Metro Fire Rescue referral comment letter dated February 4, 2026 (REFPDP25-00321).
- **Exhibit G.** CTL│Thompson slope-stability letter dated November 13, 2025 (Project No. DN52,378.000-115-L2) and CTL│Thompson slope-stability letter dated March 27, 2026 (Project No. DN52,378-125-L2), with November-to-March Factor of Safety comparison table.
- **Exhibit H.** Cost Share Agreement between the City of Lone Tree and Century Communities for Tract C hillside repair, dated May 6, 2025 ($500,153 total).
- **Exhibit I.** Complaint, *Retreat at Ridgegate, LLC and Century Communities, Inc. v. Southgate Water District*, Arapahoe County District Court Case No. 2025CV30307, Division 202 (Judge Volz), filed February 4, 2025.
- **Exhibit J.** Western EVA Access Exhibit with "approximate and subject to change" callout.
- **Exhibit K.** Grading, Erosion, and Sediment Control (GESC) Report, *HILLCAMP_R2_Hillcamp-Trail-GESC-Report.pdf*, including § 1-C (earthwork volumes and disturbance area) at p. 6 and § 1-F (vehicle fueling and 100-foot setback from drainage courses) at p. 6.
- **Exhibit L.** Annotated reproduction of GESC Plans, Sheet 4, depicting approximately 422 LF of construction fence on HOA-owned Tract M and surrounding HOA common areas, and the construction-staging area (including the portable-toilet location) immediately adjacent to the HOA-owned Tract M stormwater retention pond. Two panels: (1) full sheet, (2) detail of the Tract M region.

End of letter.

EXHIBIT M

GESC Plans Sheet 4: Construction Fence and Staging Area Depicted on HOA-Owned Tract M and Surrounding HOA Common Areas

Filed in the Referral Record of the City of Lone Tree, SB25-0014 Hillcamp Drive Filing No. 1

Purpose of this Exhibit

This Exhibit reproduces Sheet 4 of the applicant's Grading, Erosion, and Sediment Control (GESC) Plans (HILLCAMP_R2_Hillcamp-Trail-GESC-Plans, March 27, 2026 resubmittal). Sheet 4 depicts approximately 422 linear feet of construction fence located on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to the Tract M stormwater retention pond. The HOA has not authorized any construction fence, staging features, or other construction installation on HOA-owned property.

Sheet 4 is offered together with the GESC Report at p. 6, § 1-F, which concedes that "while vehicle fueling is expected on-site, there is no designated area for fueling at this time," and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." Tract M is a stormwater retention facility, and the staging area depicted on Sheet 4 lies immediately adjacent to it.

Panel 1: GESC Plans Sheet 4 (full sheet)

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control Plans, Sheet 4 of the Initial GESC Plans series, March 27, 2026 resubmittal.

C:\Users\kmoo.JDC\ACCDocs\JR Engineering\159512\Project Files\159518 Cabela Drive\Drawings\Sheet Drawings\159518 Hillcamp Dr GESC\159518 INITIAL.dwg, INITIAL, 3/26/2026 12:47:13 PM, kmoo

NOTES:

1. SEE SHEET 1 FOR BENCHMARK AND SHEET 3 FOR LEGEND.
2. SEE SHEET 2 FOR STANDARD GESC NOTES AND DETAILS.
3. CONTRACTOR SHALL HAVE ADEQUATE DUST SUPPRESSION EQUIPMENT ON SITE AT ALL TIMES. ALL DUST GENERATED FROM OPERATIONS AS DETERMINED BY THE CITY SHALL BE CONTROLLED.
4. CONTRACTOR SHALL STOP ANY OPERATION OR STOPPING ALL WORK UNTIL DUST CAN BE CONTROLLED.
5. ADJACENT PAVED ROADWAYS SHALL BE KEPT CLEAR OF MUD AND DEBRIS AT ALL TIMES. STREET SWEEPING SHALL BE ACCOMPLISHED USING ONLY DRY METHODS OF CLEANING PER CITY OF LONE TREE SPECIFICATIONS. TRACKING OCCURS IT MUST BE IMMEDIATELY REMOVED.
6. CONTRACTOR SHALL NOTIFY CITY OF LONE TREE 72 HOURS PRIOR TO ANY EARTH DISTURBING ACTIVITIES AND SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY OF LONE TREE. NO WORK SHALL COMMENCE PRIOR TO THIS MEETING AND APPROVALS BEING OBTAINED FROM THE CITY OF LONE TREE.
7. ALL INLETS SHALL BE PROTECTED WITH INLET PROTECTION AS SHOWN ON THE PLANS. ALL INLETS WITH GRATES SHALL HAVE SURFACE AND STAKED DOWN ON ALL FOUR SIDES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED.
9. CONSTRUCTION ACTIVITIES ARE NOT PLANNED FOR LONGER THAN 14 DAYS SHALL BE STABILIZED TO PROTECT DISTURBED AREAS FROM EROSION.
10. GESC PERMIT CLOSEOUT WILL NOT OCCUR UNTIL ALL DISTURBED AREAS ARE STABILIZED AND PRE-DEVELOPMENT CONDITIONS. WEED MITIGATION MAY BE REQUIRED PRIOR TO GESC CLOSEOUT.

INITIAL GESC NOTES:

1. SEE COVER SHEET 1 OF 3 FOR LEGEND OF BMP NAMES AND SYMBOLS

KEYMAP
SCALE: 1" = 600'

50 25 0 50 100
ORIGINAL SCALE: 1" = 50'

CITY OF LONE TREE

DATE

THESE CONSTRUCTION PLANS HAVE BEEN REVIEWED BY THE CITY FOR GENERAL GRADING AND EROSION CONTROL IMPLEMENTATION ONLY.

ENGINEERING DIVISION ACCEPTANCE BLOCK

811 Know what's below. Call before you dig.

ENGINEER'S STATEMENT

THE GRADING, EROSION, AND SEDIMENT CONTROL PLAN INCLUDED HEREIN WAS PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF CITY OF LONE TREE GRADING, EROSION, AND SEDIMENT CONTROL (GESC) CRITERIA.

KEVIN J. ROHRBOUGH, P.E.
COLORADO P.E. NUMBER 60,000
FOR AND ON BEHALF OF JR ENGINEERING, LLC

DATE

H-SCALE	1"=50'
V-SCALE	N/A
DATE	3/26/26
DESIGNED BY	KAC
DRAWN BY	KF
CHECKED BY	

No.	REVISION	BY	DATE

J·R ENGINEERING
A Westrian Company

Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

PREPARED FOR
RAMPART RANGE METRO DISTRICT NO. 1
8390 E CRESCENT PKWY
SUITE 300
GREENWOOD VILLAGE, CO 80111
(303) 779-5710

UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, JR ENGINEERING APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.

HILLCAMP DRIVE GESC PLANS

INITIAL GESC PLANS

SHEET 4 OF 18

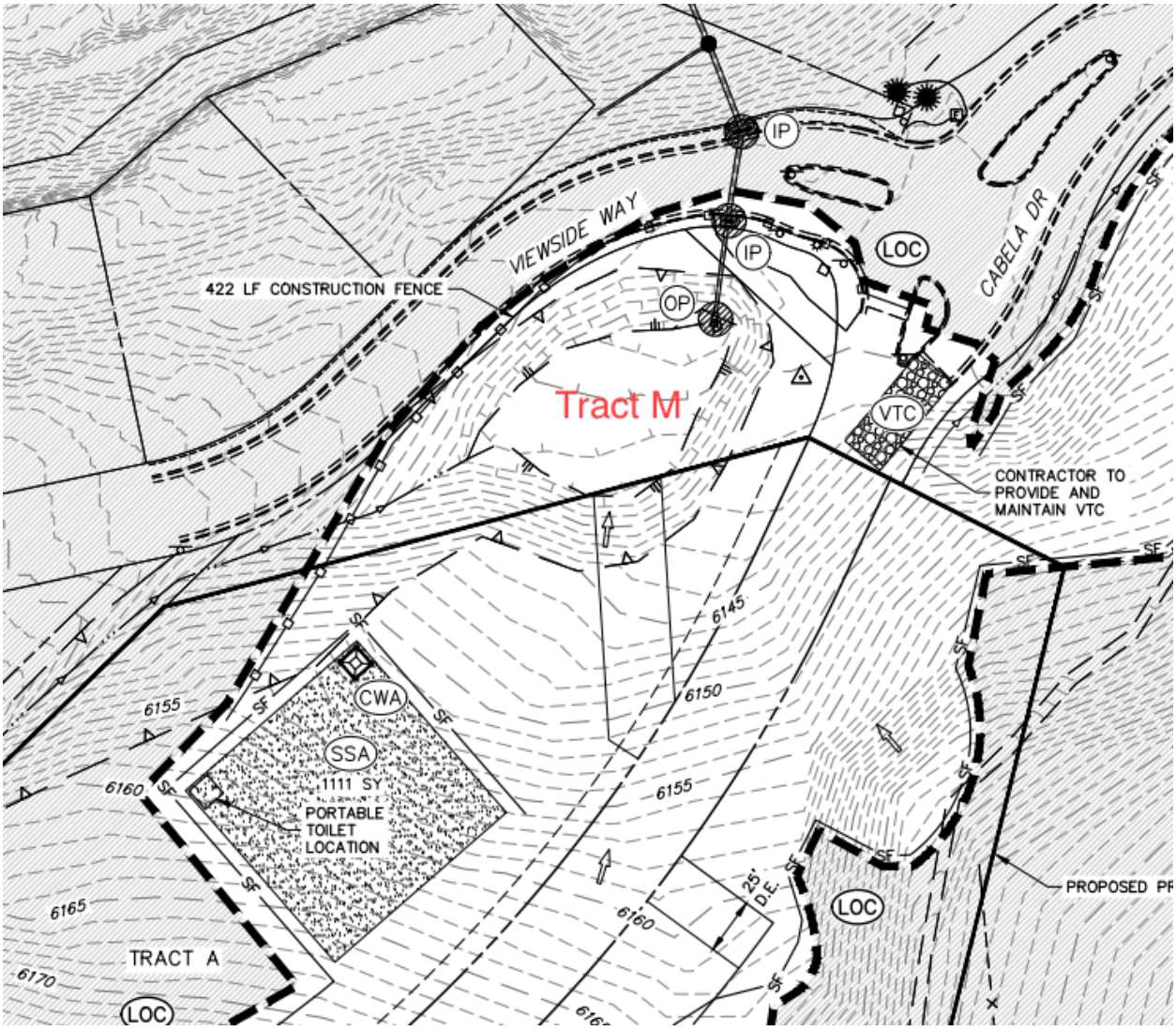
JOB NO. 159518

Caption

Sheet 4 of the Initial GESC Plans depicts the proposed Hillcamp Drive alignment, the disturbance footprint, the silt-fence and construction-fence boundaries, the construction-staging area, and the portable-toilet location. The Tract M region, owned by The Retreat at RidgeGate HOA, is depicted at the eastern end of the alignment (near the Cabela / Hillcamp connection). Panel 2 reproduces the Tract M region at higher detail.

Panel 2: Detail of the Tract M region

Detail crop of Sheet 4, eastern portion, showing the construction fence wrapping the HOA-owned Tract M stormwater retention pond and the construction-staging area (including portable-toilet location) adjacent to Tract M.



Caption

The dashed construction-fence symbol (approximately 422 LF, per Sheet 4 labeling) wraps along HOA-owned Tract M and surrounding HOA common areas. The construction-staging area, with the portable-toilet location, is depicted immediately adjacent to the Tract M stormwater retention pond. No HOA authorization for any of these installations on HOA-owned property has been sought or obtained.

Note: Tract M is identified on the official Plat for Ridgegate, Section 22 Filing No. 1 Amendment No. 2, and is referenced by name in the City of Lone Tree's February 11, 2026 Third Technical Review Letter at p. 4,

Planning paragraph 3. The red "Tract M" annotation on Panel 2 was added by the resident for reader orientation; the underlying Sheet 4 source contains the construction-fence symbol, the "PORTABLE TOILET LOCATION" callout, and the "PROPOSED PROPERTY BOUNDARY" callout that establish the depicted condition.

Observations the Exhibit supports

- The construction documents depict physical occupation of HOA-owned property (approximately 422 LF of construction fence on Tract M and surrounding HOA common areas, plus construction-staging features) without any recorded authorization from the HOA. The Board of Directors of The Retreat at RidgeGate HOA will not grant the applicant any rights in Tract M or other HOA-owned tracts.
- Tract M is a stormwater retention facility owned by The Retreat at RidgeGate HOA. The construction-staging area depicted on Sheet 4 lies immediately adjacent to Tract M.
- The applicant's own GESC Report, at p. 6, § 1-F, concedes that "there is no designated area for fueling at this time" and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." The staging location depicted on Sheet 4 does not appear to satisfy a 100-foot setback from Tract M.
- These facts independently support the City of Lone Tree's February 11, 2026 finding that the application does not satisfy Approval Standard #3 under Lone Tree Municipal Code § 17-5-20 (Tract M authority), and add a procedural-defect dimension to Deficiency 9 (pattern of disregard for adjacent-owner property rights).

Sources

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control (GESC) Plans, Sheet 4 (Initial GESC Plans), March 27, 2026 resubmittal (HILLCAMP_R2_Hillcamp-Trail-GESC-Plans).

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control (GESC) Report, March 27, 2026 resubmittal, p. 6, § 1-C (earthwork and disturbance area) and § 1-F (vehicle fueling) (HILLCAMP_R2_Hillcamp-Trail-GESC-Report).

City of Lone Tree, Third Technical Review Letter for SB25-0014, February 11, 2026, at p. 4, Planning paragraph 3 (Approval Standard #3 finding).

Resident Comment Letter on Hillcamp Drive Filing No. 1 (SB25-0014)

Filed in the Referral Record of the City of Lone Tree

To: Chuck Darnell, Principal Planner, City of Lone Tree Planning Division (chuck.darnell@cityoflonetree.com) **From:** Raul Guadarrama, Resident of The Retreat at RidgeGate, directly adjacent to the proposed location of Hillcamp Drive **Date:** May 26, 2026 **Re:** SB25-0014, Hillcamp Drive Filing No. 1. Resident supplemental comment for the referral record.

I. Introduction

I submit this comment as a resident of The Retreat at RidgeGate whose property and quality of life would be directly and permanently impacted by the proposed Hillcamp Drive alignment. The Retreat's institutional position is set forth in the separate letter filed by Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026. This resident letter is filed in parallel to load specific record evidence and verbatim quotation from the applicant's own filings into the SB25-0014 record before the May 26, 2026 referral close.

The proposition that organizes the comments below is straightforward: the road plat is the bottleneck. Hillcamp Drive Filing No. 1 is the access spine for the entire Hillcamp / Southridge development. Each deficiency identified below either (a) prevents the City from making one of the affirmative findings required under Lone Tree Municipal Code § 17-5-20, or (b) is itself a finding the City or a statutory referral agency has already made adverse to the application and which has not been cured on the present record.

The applicant's documents do the heaviest lifting in what follows. I quote verbatim and pin-cite.

II. Executive Summary

In its February 11, 2026 Third Technical Review letter, City staff stated that "if the applicant fails to adequately respond to the following topics … in their next resubmittal, it is likely that City staff will not be able to produce draft findings that would support a staff recommendation of approval on the Final Plat application (SB25-0014)" (City letter at 2). The applicant's March 27, 2026 resubmittal does not cure the topics the City flagged. It declines several City directives outright, defers others under separate cover, and ignores the City's express directive to provide a consolidated response to "all referral comment received" (City letter at 1).

The deficiencies below are organized into three tiers, mirroring the structure of the record.

Tier 1. Blocking conditions the City or a statutory referral agency has already identified.

- **D1. Failure of Approval Standard #3 (Tract M).** The City found on February 11, 2026 that "the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code" because the applicant "is not the owner of Tract M and has provided no authority to

convey storm drainage into the pond located on Tract M" (City letter at 4, Planning paragraph 3). The applicant's response withdraws the Tract M pond and substitutes a hydrodynamic separator. That substitution does not cure the underlying authority defect and raises an unanswered question about whether a water-quality device alone satisfies the City's Storm Drainage Design and Technical Criteria Manual without volumetric detention.

- **D2. PDD-designated access abandoned; new access introduced where no PDD contemplated one.** The RidgeGate PDD 7th Amendment, Sheet 7 of 8 (recorded Feb. 21, 2020, Reception No. 2020012568), designates the Surrey Ridge end as the "Main Access Road." The Hillcamp / Cabela end has never been depicted or designated as an access point in any of the seven RidgeGate PDD amendments. The applicant's chosen alignment for SB25-0014 does two things at once without a PDD amendment. First, it abandons the PDD-designated Surrey Ridge access on the asserted ground of "environmental infeasibility," even though the applicant routes a 12-inch Zone 3 water transmission main serving the same 343-home development through that same corridor. Second, it introduces new collector-road access at the Cabela end, where no PDD has ever contemplated one. The applicant's defense relies on the PDD's "Major circulation elements shown are conceptual in nature and subject to modification and refinement" disclaimer. Exhibit B demonstrates that the disclaimer has not, in fifteen years of RidgeGate build-out, licensed introduction of major circulation outside the PDD-depicted network. *Crispin v. Bd. of Cnty. Comm'rs*, 232 P.3d 161 (Colo. App. 2009), holds that approval inconsistent with the controlling planned-development document exceeds the reviewing body's jurisdiction.
- **D3. Colorado Geological Survey insufficiency finding has not been cured.** CGS, the statutory referral authority under C.R.S. §§ 34-1-302 and 30-28-136, found the geotechnical investigation insufficient on January 30, 2026 (Unique No. DU-26-0010_2). The applicant's geotechnical consultant has not retracted the "for planning purposes only" qualifier that appears on both the November 13, 2025 letter (Project No. DN52,378.000-115-L2) and the March 27, 2026 letter (Project No. DN52,378-125-L2). The applicant's own engineer disclaims design-level reliance on the very work the application asks the City to accept as the basis for the road plat.
- **D5. Recorded Southgate Water District easement; documented adjacent utility-failure-slope-failure precedent.** Parcel 11 of the Southgate Water District easement, recorded January 18, 2017 (Reception No. 2017004197), lies immediately adjacent to the proposed Hillcamp Drive cut across Tracts C, K, L, and O. Paragraphs 2, 9, and 11 of that recorded instrument require advance written authorization from the District for parallel utilities and for modification of earth cover, and authorize the District to remove non-conforming work "at Grantor's expense." The construction documents do not depict the easement boundary. The applicant's response, "There is no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway" (Applicant Response Letter to City at 20), addresses only the finished road prism. It does not address upslope encroachment into the easement Property by the construction footprint (GESC disturbance, staging, dewatering, fill placement), and it does not engage the documented record of three water-line breaks on Tract C in 2024 that cost $500,153 to repair under the May 6, 2025 Cost Share Agreement and that are now the subject of pending litigation in Arapahoe County District Court Case No. 2025CV30307 (trial January 2027). The permanent 8-inch replacement waterline being designed by Burns and McDonnell is itself not yet routed; its

bid timing is gated by Shannon and Wilson's geotechnical analysis of Century's discovery production in that case.

- **D10. Procedural defect; consolidated-response directive ignored.** The City directed on February 11, 2026: "Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary" (City letter at 1). The applicant's March 27, 2026 Response Letter is 24 pages and addresses only City Attorney, Planning, and Public Works comments. The substantive Colorado Geological Survey engineering response is deferred "under separate cover." The letter contains zero mentions of "Surrey Ridge," "McArthur," "Southgate," "Parcel 11," "SMFR," "South Metro Fire," "eagle," or "raptor." See Exhibit C (coverage matrix). The City's own letter warned at page 2 that without adequate response, staff "may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20."

Tier 2. Required findings the City cannot competently make on the present record (D4 SMFR; D6 modeling change without geological change; D7 downstream conveyance; D8 EVA alignment approximate by the applicant's own callout). Each is anchored verbatim in the body below.

Tier 3. Pattern of disregard supporting compatibility findings under § 17-5-20 (D9).

Reserve. Notice-defect preservation (D11), Track A.

The body below sets out each item with the verbatim record evidence and pin-cite. I respectfully request that the City decline to advance the application until each deficiency is cured on the record.

III. Tier 1. Blocking Conditions

D1. Failure of Approval Standard #3: Tract M storm-drainage conveyance

City finding (verbatim):

> "The proposed drainage facility design anticipates conveying storm drainage from the subdivision into Tract M of Ridgegate – Section 22 Filing No. 1 Amendment No. 2, which is owned by the Retreat at Ridgegate Homeowners Association, Inc. … Because the applicant is not the owner of Tract M and has provided no authority to convey storm drainage into the pond located on Tract M, the Applicant cannot fulfill the requirements of the Storm Drainage Design and Technical Criteria Manual. As a result, the application does not meet Criteria of Approval #3 in Section 17-5-20 of the Lone Tree Code."

City letter at 4, Planning paragraph 3.

Applicant response: "Improvements located within Tract M are no longer proposed. All storm drainage outfalls occur outside of property owned by the Retreat." *Applicant Response Letter to City at 4.* The Tract M detention pond is withdrawn and a hydrodynamic separator is substituted. *Id.* at 14, Phase III Drainage paragraph 7.

Why the substitution does not cure Approval Standard #3. A hydrodynamic separator is a water-quality treatment device. It does not provide volumetric detention. The record does not establish that the revised drainage scheme satisfies the City's detention requirements under the Storm Drainage Design and Technical Criteria Manual without the Tract M pond. The City's Public Works directive, that the applicant "pursue an easement and discussions with The Retreat to allow this construction to tie into the existing Type C inlet" (City letter at 13, PW Const. Docs. paragraph 6), was not engaged; the applicant instead withdrew to its own property line. The Retreat at RidgeGate HOA has not authorized any conveyance of storm drainage into Tract M and has communicated that position to City staff. The Board of Directors of The Retreat at RidgeGate HOA will not grant the applicant any rights in Tract M. The HOA's governing documents require supermajority owner approval for any such conveyance, which has not been sought and which the Board does not intend to put to the membership.

Eleven of twelve sub-basins are engineered concentrated discharge into named features owned by the HOA, not natural sheet flow. Under *Calvaresi v. Brannan Sand & Gravel Co.*, 534 P.2d 652, 654–55 (Colo. App. 1975), concentrated engineered discharge is not protected by the civil-law servitude rule of *Hankins v. Borland*, 163 Colo. 575, 432 P.2d 1015 (1967). OS5 sheet flow is conceded as natural drainage; the remaining eleven sub-basins require the HOA authority the applicant does not have.

Additional unauthorized use of HOA-owned tracts depicted in the construction documents. The Tract M problem is not limited to storm-drainage conveyance. Sheet 4 of the GESC Plans (reproduced at Exhibit L) depicts approximately 422 linear feet of construction fence located on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to Tract M itself. The HOA has not authorized placement of construction fence, staging features, or any other construction installation on HOA-owned property. Independently, the GESC Report at 6, § 1-F concedes that "while vehicle fueling is expected on-site, there is no designated area for fueling at this time" and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." Tract M is a stormwater retention facility, and the staging area depicted on Sheet 4 lies immediately adjacent to it. The construction documents thus depict (a) unauthorized occupation of HOA-owned property by construction installations, and (b) staging of construction activity within 100 feet of an HOA-owned stormwater feature, with no fueling-area designation that would demonstrate compliance with the applicant's own GESC standard.

Requested action. That the City affirm its February 11, 2026 finding under Approval Standard #3 and require, as a condition of any further advancement: (a) either a recorded authorization from The Retreat at RidgeGate HOA for any conveyance of storm drainage into HOA-owned tracts, or a demonstration that the revised drainage design satisfies the Storm Drainage Design and Technical Criteria Manual without any HOA-owned conveyance; (b) removal from the construction documents of all construction fence, staging features, and other construction installations depicted on HOA-owned tracts, absent a recorded authorization from the HOA; and (c) a designated fueling area on the construction documents demonstrating compliance with the applicant's own 100-foot setback standard relative to Tract M and other on-site drainage features.

D2. PDD-designated access abandoned; new access introduced where no PDD contemplated one

The RidgeGate Planned Development District, 7th Amendment, recorded February 21, 2020 (Reception No. 2020012568), revised June 7, 2024, Sheet 7 of 8, is the controlling planned-development document:

- Surrey Ridge end of the mesa-top arterial: designated "Main Access Road" by the 7th Amendment and consistent across all prior PDDs.
- Hillcamp / Cabela end: never depicted or designated as an access point in any of the seven RidgeGate PDD amendments.

The applicant's chosen alignment for SB25-0014 does two things at once without a PDD amendment. First, it abandons the PDD-designated Surrey Ridge access. Second, it introduces new collector-road access at the Cabela / Hillcamp end, where no PDD has ever contemplated one. The applicant's defense rests on the PDD's standing disclaimer: *"Major circulation elements shown are conceptual in nature and subject to modification and refinement"* (PDD Sheet 7 footer).

Exhibit B (attached) demonstrates the disclaimer does not, in practice, license introduction of major circulation outside the PDD-depicted network. Three-panel comparison: (1) PDD 3rd Amendment, recorded June 23, 2011; (2) PDD 7th Amendment, recorded February 21, 2020; (3) aerial imagery dated May 17, 2026. The Lyric Drive corridor and the other RidgeGate arterials are constructed on the alignments depicted in the PDDs, with deviations limited to internal-street geometry. Across fifteen years of RidgeGate build-out, the disclaimer has supported refinement of the PDD-depicted network, not the addition of major circulation outside it. No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed; the built alignment was consistent with the depictions in the controlling PDD. The Hillcamp alignment is a different case. It abandons a PDD-designated access point and adds an access point at a location no PDD has ever depicted.

The applicant's own filings concede the depicted alignment was relied upon. The applicant's Brownstein Hyatt Farber Schreck response letter to The Retreat dated March 27, 2026 concedes that "the location is not exactly as depicted in the high-level planning document" (Brownstein Letter at 5).

The "environmentally infeasible" rejection of the PDD-designated Surrey Ridge alignment is contradicted by the applicant's own contemporaneous infrastructure routing. The October 2023 Southridge Preserve Water Demand Study, the Parker Water and Sanitation District (PWSD) inclusion materials for Tract AZ, and the SB25-0010 Fourth Submittal Response all show a 12-inch Zone 3 transmission main routed through the same Surrey Ridge / I-25 underpass corridor that the applicant declares "environmentally infeasible" for a road. The corridor is trenchable for a water main by the applicant's own design; the "infeasible" rejection is not supported on the record.

Controlling authority. *Crispin v. Bd. of Cnty. Comm'rs*, 232 P.3d 161 (Colo. App. 2009), holds that land-use approval inconsistent with the controlling planned-development document exceeds the reviewing body's jurisdiction. *Conder v. City of Colorado Springs*, 927 P.2d 1339 (Colo. 1996), reinforces the master-plan-consistency framework.

Requested action. That the City require either (a) a PDD amendment to designate the Cabela / Hillcamp access and to release the Surrey Ridge designation, under Lone Tree Municipal Code §§ 16-15-20 and 16-15-80, with attendant notice; or (b) a finding on the record that the chosen alignment is consistent with the PDD as depicted across the 3rd, 4th, 5th, 6th, and 7th Amendments.

D3. Colorado Geological Survey insufficiency finding has not been cured

CGS, the statutory referral authority for geological hazards under C.R.S. §§ 34-1-302 and 30-28-136, issued a January 30, 2026 referral comment letter to the City (Unique No. DU-26-0010_2; Amy Crandall, P.E.) finding the geotechnical investigation insufficient. CGS has not rescinded that finding. The City's February 11, 2026 letter directed: "Planning staff will require that the following comments from the CGS referral comment letter dated January 30, 2026 be addressed. a. A final geotechnical report (not a preliminary report) will be required prior to plat approval" (City letter at 5).

The applicant's geotechnical consultant continues to disclaim design-level reliance. The CTL│Thompson slope stability letters dated November 13, 2025 (Project No. DN52,378.000-115-L2) and March 27, 2026 (Project No. DN52,378-125-L2) both carry the qualifier that the work is "for planning purposes only." The change between November and March is a change in modeling, not in geology. There has been no construction on the hillside between the two letters; the hillside is the same.

The "short-term duration" defense the applicant has carried since the November letter is foreclosed by CGS. The January 30, 2026 CGS letter states that "tolerance for interim or localized instability is significantly lower than for private or secondary access roads."

Specific City directives the applicant declined or refused:

- Minimum 4:1 slopes (City letter at 7–8, Slope Stab. paragraphs 5, 12; PW Const. Docs.). Applicant: "3:1 slopes have been specifically analyzed for stability, and will only be utilized where they have been analyzed to meet stability requirements." *Applicant Response at 8.* Refused three times.
- No landscaping on Tract B due to CGS-identified slope instability (City letter at 5, Plat Sheet 1 paragraph 2). Applicant: drip irrigation "will not impact the stability of the roadway slopes." *Applicant Response at 5.* Refused.
- No irrigation on Tract B (City letter at 11, Const. Docs. paragraph 3). Applicant: "Temporary, above ground irrigation may be utilized." *Applicant Response at 16.* Refused.
- Reroute drainage away from sub-fill drains (CGS-concurred with CTL's own recommendation; City letter at 6). Applicant: "It is not feasible for the drainageways to be rerouted." *Applicant Response at 6.* Refused over the applicant's own geotechnical consultant's recommendation.

Requested action. That the City require either (a) CGS retraction of the January 30, 2026 insufficiency finding in writing prior to plat approval, or (b) compliance with each of the four directives above on the present record.

D5. Recorded Southgate Water District easement; documented adjacent utility-failure-slope-failure precedent

The recorded instrument. The Southgate Water District easement was recorded January 18, 2017 in Douglas County under Reception No. 2017004197. Parcel 11 of the easement comprises approximately 1.231 acres (about 53,626 sf) across Tracts C, K, L, and O of the existing Retreat at RidgeGate subdivision and lies directly adjacent to the proposed Hillcamp Drive cut alignment.

Paragraph 2 (verbatim, with the enforcement clause restored) prohibits the Grantor from constructing, placing, or permitting on the Property "any structure or building, … or planting of any tree, woody plant, or nursery stock." Paragraph 2 closes: *"Any prohibited use or installation located on the Property as of or after the date of this Agreement, including utility installations not conforming to Paragraph 11 (eleven) hereof, may be removed by the Distributor at Grantor's expense without liability for damages arising therefrom."*

Paragraph 9 (verbatim, with the reimbursement clause restored) requires "advance written authorization from the Distributor … which shall provide for full payment or reimbursement to the Distributor of all costs of adjusting Distributor facilities made necessary by such modification."

Paragraph 11 requires advance written approval for any parallel utilities.

The applicant's response addresses only the finished road prism, not the easement Property. Applicant Response to City at 20: *"There is no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway."* That answer does not address: (a) upslope encroachment into Parcel 11 by the construction footprint, including GESC disturbance, staging, dewatering, equipment access, fill placement, and fences; (b) the engineering math from a 20–30 ft cut in cohesive Front Range soils, where the 30–45 ft lateral influence zone reaches into Parcel 11 even where the finished road prism does not; and (c) the documented record of utility-failure-slope-failure on the same hillside.

The documented record on the adjacent slope:

- Three water-line breaks on Tract C in 2024 (March 30, May 5, and June 24, 2024). *Retreat at Ridgegate, LLC and Century Communities, Inc. v. Southgate Water District*, Arapahoe County District Court Case No. 2025CV30307, Complaint paragraph 16 (filed Feb. 4, 2025).
- $500,153 cost-shared hillside repair under the May 6, 2025 Cost Share Agreement; $323,797 paid by Century Communities and $176,356 paid by the City of Lone Tree.
- Active negligence litigation, trial date January 2027. Same hillside, same Dawson Arkose / claystone mechanism.
- Pending CDARA Notice of Claim from a downstream homeowner to Century arising from the same hillside mechanism. Complaint paragraph 21.
- April 2026 update from Southgate to The Retreat HOA Board: the temporary fire-hydrant loop-closing line on Tract C has been removed; The Retreat is presently on SMFR tender response with hydrant pressure "OK" but below SMFR's preferred fire-suppression pressure; the Burns and McDonnell permanent 8-inch replacement waterline is still being designed and is not yet routed; and bid timing originally July or August 2026 is now contingent on Shannon and Wilson's geotechnical analysis of Century's discovery production in Case No. 2025CV30307.

Sequencing problem on the City's record. The City is being asked to approve approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill (net 88,729 cubic yards of material export) across 12.26 acres of disturbance (GESC Report at 6, § 1-C) on the corridor immediately adjacent to an easement whose permanent replacement waterline is itself not yet routed and whose adjacent hillside has failed under utility-line stress within the past two years. The applicant's flat "unrealistic to assume" answer does not engage that record.

Requested action. That the City require, as a condition of any advancement, (a) construction documents that depict the Parcel 11 boundary against the construction footprint; (b) advance written approval from Southgate Water District under Paragraphs 2, 9, and 11 of the recorded easement, on the record; and (c) a finding that the timing of the Hillcamp construction does not interfere with the permanent replacement waterline whose routing remains open.

D10. Procedural defect: consolidated-response directive ignored

City directive (verbatim):

> "Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary."

City letter at 1.

> "Should the applicant choose to move forward without adequately addressing City staff's comments, staff may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20, for the reasons identified in the technical review comments below."

City letter at 2.

> "Please note that if the applicant fails to adequately respond to the following topics … in their next resubmittal, it is likely that City staff will not be able to produce draft findings that would support a staff recommendation of approval on the Final Plat application (SB25-0014)."

City letter at 2.

What the applicant filed. The March 27, 2026 Applicant Response Letter, 24 pages, JR Engineering, addresses only City Attorney, Planning, and Public Works comments. The substantive Colorado Geological Survey engineering response is deferred "under separate cover" (Applicant Response at 6). The strings "Surrey Ridge," "McArthur," "Southgate," "Parcel 11," "SMFR," "South Metro Fire," "eagle," and "raptor" do not appear in the letter. The word "consolidated" does not appear in the letter.

See Exhibit C, Coverage Matrix. The matrix shows that of the referral agencies and commenters of record (CGS, SMFR, CDOT, CPW, Douglas County, The Retreat HOA, Surrey Ridge HOA, McArthur Drive Coalition, and the Southgate Water District as recorded easement holder), only one (CGS) appears in the consolidated response, and that response is deferred under separate cover.

Significance under § 17-5-20. The City's own letter ties the consolidated-response directive to the Approval Standards: without adequate response, staff "may be unable to find that the project

is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20" (City letter at 2). The applicant did not adequately respond.

Requested action. That the City decline to find consistency with § 17-5-20 on the current record, and require a true consolidated response letter that addresses each referral agency comment of record before any further advancement.

Pending records requests preserved. Colorado Open Records Act requests under C.R.S. §§ 24-72-201 *et seq.* were transmitted on May 18, 2026 to the City of Lone Tree and to the Southgate Water District. As of the date of this letter, the City has requested a seven-day extension on its response and the Southgate Water District has not responded. Materials returned in response to those requests may further inform the record and are preserved.

IV. Tier 2. Required Findings the City Cannot Competently Make on the Present Record

Under *Bd. of Cnty. Comm'rs of La Plata Cnty. v. Bowen/Edwards Assocs.*, 830 P.2d 1045, 1053–54 (Colo. 1992), a reviewing body's affirmative finding must be supported by competent evidence in the record. The following items show the record is not competent on its face.

D4. South Metro Fire Rescue: ten comments unaddressed; no non-objection letter

SMFR's February 4, 2026 referral letter (REFPDP25-00321) listed ten comments. SMFR has not provided a non-objection. The McArthur Drive EVA's approximately 10% grade exceeds SMFR's 6% maximum for fire-apparatus access; no variance has been sought.

Applicant's representation of SMFR's posture, R1 to R2. The R1 response stated: "has worked with South Metro Fire and will provide in the Preliminary Plan a safe and approvable right of way cross section." The R2 response stated: "All roadways shall meet the emergency access requirements of South Metro Fire Rescue." No SMFR letter supports either statement. The applicant's Brownstein letter to The Retreat goes further: "the selected access concept meets City and Fire Department access criteria" (Brownstein Letter at 7). SMFR has not endorsed that representation in writing.

International Fire Code Appendix D § D107.1 requires two fire-apparatus access roads for developments with more than 30 dwelling units. The Hillcamp project proposes 343 units. The recorded 1999 driveway easement on McArthur Ranch (Doc. No. 99014022, Feb. 4, 1999) is limited to "driveway purposes" for a specific tract and does not authorize mass civilian or emergency egress for 343 homes. The 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via gated road.

Real-world capacity evidence. On May 15, 2026, a fatal accident closed I-25 in the project area for approximately three hours. Residents reported being stranded on arterials. The Hillcamp Traffic Impact Study (3,136 ADT, single-weekday count) was not modeled against that real-world spillover load. The Lone Tree 2025 Community Wildfire Protection Plan identifies roadway congestion under simultaneous evacuation as a life-safety vulnerability.

Requested action. That the City require, as a condition of advancement, (a) an unconditional non-objection letter from SMFR under IFC § D107.1 on the current geometry, and (b) recorded

legal access for any secondary or emergency-access route, with Douglas County Public Works consent under C.R.S. § 43-1-106 where the route traverses County right-of-way.

D6. Methodological change without geological change: November-to-March Factor of Safety

CTL│Thompson Project No. DN52,378.000-115-L2, dated November 13, 2025. CTL│Thompson Project No. DN52,378-125-L2, dated March 27, 2026. The same hillside, four months apart, with no construction between the two letters. Both letters carry the "for planning purposes only" qualifier.

The November letter showed sub-1.0 interim Factor of Safety values at multiple cross-sections; values that footnote acknowledged as below the stability threshold. The March letter shows the same cross-sections passing, without any geological change on the hillside. What changed is the model: friction-angle parameters (including a 30° to 34° increase on Dawson sandstone, disclosed at March letter p. 6 with stated basis as back-analysis of stable slopes from the unrelated Mesa Tops project), cross-section locations, layer geometry, and material parameters.

The applicant has not produced a same-scale overlay of November Figures 1A/1B against March Figures 1A/1B, which would test whether the cross-sections are at the same stations. The 38% drop in existing-condition Factor of Safety at cross-section B/B-B′ (Left-to-Right) with no construction is strongly inconsistent with re-running the same model at the same stations.

Requested action. That the City direct the applicant to produce the November-to-March Figures 1A/1B overlay at common scale, and that any plat approval be conditioned on a final (non-"planning purposes only") geotechnical report meeting the CGS January 30, 2026 sufficiency standard.

D7. Downstream conveyance for 48 Cottonwood Creek homes not analyzed

The Hillcamp Drainage Report stops at design points. The report acknowledges a 46% increase in 5-year flows at DP 4.1 and a smaller percentage at downstream points, but the applicant did not perform a wall-stability analysis on the engineered retention walls that protect 48 existing Cottonwood Creek homes downstream. Those walls were designed against pre-Hillcamp hydrology. Whether the increase is material is the question the analysis would answer.

The applicant's debris-flow position contradicts its own Pedestrian Bridge Geotechnical Report (Nov. 20, 2025), which admitted the project "may increase debris flow susceptibility downstream." The Applicant Response to City states: "We anticipate the debris flow in the existing and developed condition to be similar" (Applicant Response at 8). No analysis is provided.

Requested action. That the City require a wall-stability analysis on the downstream retention walls under the projected Hillcamp hydrology before any plat approval.

D8. EVA alignment expressly approximate by applicant's own callout

The Western EVA Access Exhibit submitted with the R2 package carries the applicant's own callout: *"alignment through future amenity center is approximate and subject to change."* An emergency-access route whose alignment is conceded approximate cannot support an affirmative finding under § 17-5-20 that adequate access is established.

V. Tier 3. Pattern of Disregard Supporting Compatibility Findings

D9. Pattern of disregard for existing community and agency input

The following items, considered together, support a § 17-5-20 finding that the project as proposed is not compatible with the existing community:

- Approximately 745 linear feet of existing trail will be removed with no temporary access provided to the community while the road is being constructed, including approximately 445 LF at the Cabela / Viewside connector. No Retreat-side connector replacement is proposed. This is offered as compatibility evidence under § 17-5-20, not as a prescriptive easement claim; the six-year use period does not satisfy the eighteen-year threshold under *Lobato v. Taylor*, 71 P.3d 938 (Colo. 2002).
- Construction noise within 100 feet of Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route for the multi-year Hillcamp build-out. The applicant has not offered a noise study and contends none is required.
- The applicant's biological consultant declined to perform Colorado Parks & Wildlife SWAP species habitat and foraging analysis unless paid additional scope is purchased (Applicant Response at 17, Bio paragraph 3: "Additional scope may be required if CTL|T is to provide mitigation and minimization recommendations for species. We can provide this on request.").
- Refusal of the City's Gambel oak removal directive for fire-mitigation reasons (Applicant Response at 16).
- The applicant's corporate parent (Century Communities) is withholding geotechnical discovery production that the easement holder's permanent waterline designer (Shannon and Wilson, on behalf of Southgate) requires to finalize the design of the adjacent permanent replacement line, in active litigation, while concurrently asking the City to approve approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill across 12.26 acres of disturbance (GESC Report at 6, § 1-C) on the adjacent corridor.
- No substantive response was provided to The Retreat HOA's February 10, 2026 referral comment letter within the consolidated City record; the separate Brownstein letter dated March 27, 2026 is not part of the City's submittal record and is not the consolidated response the City directed.
- The construction documents depict approximately 422 linear feet of construction fence on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to the HOA-owned Tract M stormwater retention pond, with no HOA authorization sought or obtained (GESC Plans Sheet 4; see D1 above).

VI. Reserve. Notice-Defect Preservation, Track A

I preserve, without elaboration in this letter, the question whether the certified mailing list for SB25-0014 satisfied the mailed-notice requirements of C.R.S. §§ 30-28-116(2), 30-28-133, and 31-23-304, and Lone Tree Municipal Code §§ 16-15-20 and 16-15-80, including notice to adjacent owners within 200 feet at least 15 days prior to hearing, including notice to Douglas County officials, McArthur Ranch residents, and Surrey Ridge residents. *Citizens for Balanced Growth v. Montrose Cnty.*, 235 P.3d 1203 (Colo. App. 2010), recognizes that defective statutory notice voids the underlying land-use action.

VII. Statutory Authority for Denial

The City has independent statutory authority to deny, condition, or require redesign of the application on this record:

- C.R.S. § 29-20-104. Local government authority over development in hazardous areas.
- C.R.S. § 29-20-304. Adequate water supply finding required prior to approval.
- C.R.S. § 24-65.1-202. Areas of state interest (geological hazard areas).
- C.R.S. § 24-67-105. PDD density as a ceiling, requiring findings tying the 343-unit count to demonstrated capacity.
- C.R.S. §§ 34-1-302 and 30-28-136. CGS statutory referral; the Planning Commission must consider the CGS report.
- C.R.S. § 43-1-106. County authority over County roads (relevant to McArthur EVA).
- Lone Tree Municipal Code § 17-5-20. Approval Standards. The City has already invoked § 17-5-20 against the application on Approval Standard #3 and has tied the consolidated-response directive directly to § 17-5-20.

The applicable judicial standard is *Bowen/Edwards*: a reviewing body's affirmative finding must be supported by competent evidence. Approval on the present record exposes the City to C.R.C.P. 106(a)(4) review on a record that does not support the required findings. *Friends of the Black Forest Preservation Plan, Inc. v. Bd. of Cnty. Comm'rs of El Paso Cnty.*, 2016 COA 54, 381 P.3d 396, vacated a land-use approval on an unsupported record.

VIII. Conclusion and Request

The applicant's March 27, 2026 resubmittal does not cure the topics the City flagged on February 11, 2026 as gating to a staff recommendation of approval. The City's own letter ties the deficiencies directly to the § 17-5-20 Approval Standards. The Colorado Geological Survey insufficiency finding remains in place. South Metro Fire Rescue has not provided non-objection. The Tract M / Approval Standard #3 finding has been edited around rather than cured. The recorded Southgate Water District easement adjacent to the proposed cut has not been engaged. The consolidated response to referral comments that the City directed was not provided.

I respectfully request that the City decline to advance SB25-0014 to public hearing on the current record, and that any further advancement be conditioned on cure of the deficiencies above.

Respectfully submitted,

Raul Guadarrama Resident, The Retreat at RidgeGate. Directly adjacent to the proposed Hillcamp Drive alignment. 9570 Viewside Drive, Lone Tree, CO 80124 raulguadarrama@gmail.com May 26, 2026

Exhibits

- **Exhibit A.** City of Lone Tree, Third Technical Review Letter for SB25-0014, dated February 11, 2026 (15 pages).
- **Exhibit B.** PDD-Consistency Comparison: Lyric Drive corridor across RidgeGate PDD 3rd Amendment (recorded June 23, 2011), PDD 7th Amendment (recorded February 21, 2020, Reception No. 2020012568), and aerial imagery dated May 17, 2026. Three panels.
- **Exhibit C.** Coverage Matrix: City Feb. 11, 2026 directive compared with Applicant March 27, 2026 Response Letter structure. Referral-agency response status.
- **Exhibit D.** Recorded Southgate Water District easement, Douglas County Reception No. 2017004197, recorded January 18, 2017 (23 pages, including Easement Agreement, Exhibit A legal descriptions for Parcels 1 through 11, and eleven-sheet survey exhibit).
- **Exhibit E.** Colorado Geological Survey referral comment letter dated January 30, 2026 (Unique No. DU-26-0010_2, Amy Crandall, P.E.).
- **Exhibit F.** South Metro Fire Rescue referral comment letter dated February 4, 2026 (REFPDP25-00321).
- **Exhibit G.** CTL│Thompson slope-stability letter dated November 13, 2025 (Project No. DN52,378.000-115-L2) and CTL│Thompson slope-stability letter dated March 27, 2026 (Project No. DN52,378-125-L2), with November-to-March Factor of Safety comparison table.
- **Exhibit H.** Cost Share Agreement between the City of Lone Tree and Century Communities for Tract C hillside repair, dated May 6, 2025 ($500,153 total).
- **Exhibit I.** Complaint, *Retreat at Ridgegate, LLC and Century Communities, Inc. v. Southgate Water District*, Arapahoe County District Court Case No. 2025CV30307, Division 202 (Judge Volz), filed February 4, 2025.
- **Exhibit J.** Western EVA Access Exhibit with "approximate and subject to change" callout.
- **Exhibit K.** Grading, Erosion, and Sediment Control (GESC) Report, *HILLCAMP_R2_Hillcamp-Trail-GESC-Report.pdf*, including § 1-C (earthwork volumes and disturbance area) at p. 6 and § 1-F (vehicle fueling and 100-foot setback from drainage courses) at p. 6.
- **Exhibit L.** Annotated reproduction of GESC Plans, Sheet 4, depicting approximately 422 LF of construction fence on HOA-owned Tract M and surrounding HOA common areas, and the construction-staging area (including the portable-toilet location) immediately adjacent to the HOA-owned Tract M stormwater retention pond. Two panels: (1) full sheet, (2) detail of the Tract M region.

End of letter.

EXHIBIT B

PDD-Consistency Comparison: Lyric Drive Corridor across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and As-Built Aerial Imagery (May 17, 2026)

Filed in the Referral Record of the City of Lone Tree — SB25-0014 Hillcamp Drive Filing No. 1

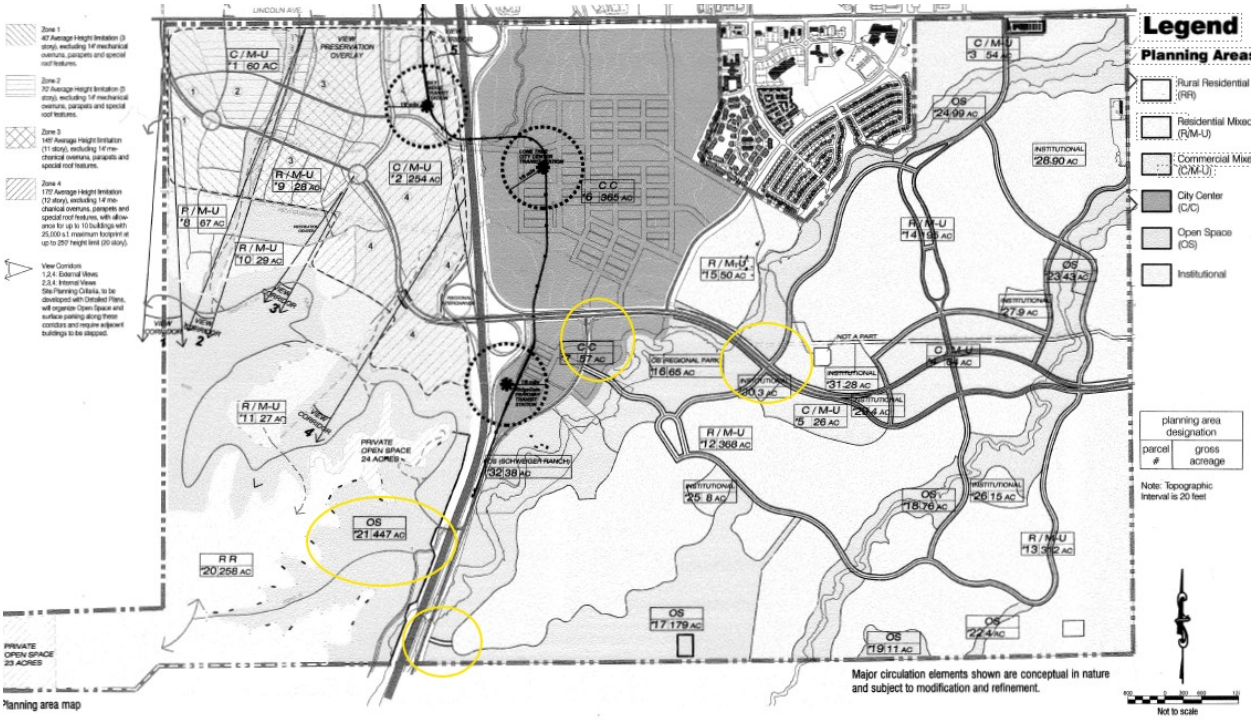
Purpose of this Exhibit

This Exhibit demonstrates that the standing disclaimer on the RidgeGate Planned Development District maps — "Major circulation elements shown are conceptual in nature and subject to modification and refinement" — has not, in fifteen years of RidgeGate build-out, licensed introduction of major circulation outside the PDD-depicted network. The Lyric Drive corridor is offered as the comparator: the same disclaimer that governs Hillcamp Drive governed Lyric Drive, and Lyric Drive was built consistent with the PDD depictions with no amendment required. The Hillcamp Drive alignment is different in kind: it abandons the PDD-designated Surrey Ridge access and introduces new collector-road access at the Cabela/Hillcamp end, where no PDD has ever depicted one, without a PDD amendment.

Panel 1

RidgeGate PDD, 3rd Amendment — Planning Areas Map

Recorded June 23, 2011



Caption

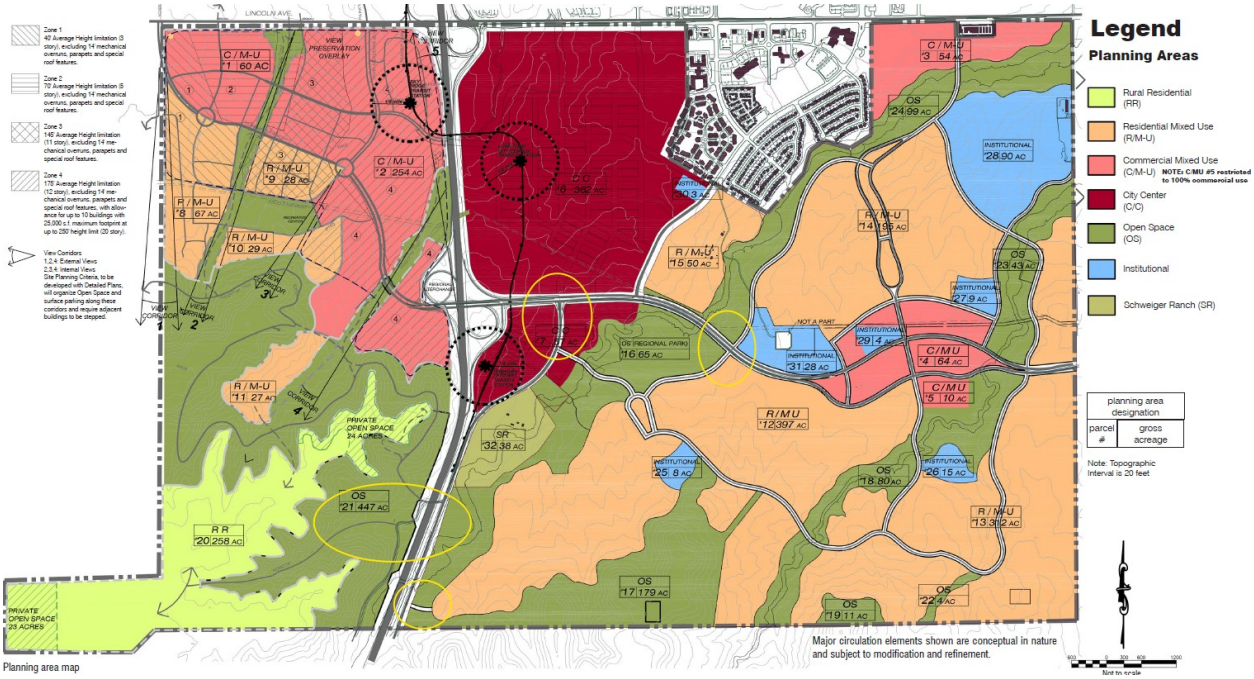
Major circulation network for the RidgeGate East planning area as depicted in the 3rd Amendment. The mesa-top arterial connects via the Surrey Ridge corridor (left/west side) to the regional road network. No access point is depicted at the Cabela/Hillcamp end. Highlighted

circles mark the access and intersection points that recur unchanged across all subsequent amendments and the as-built condition. Footer disclaimer: “Major circulation elements shown are conceptual in nature and subject to modification and refinement.”

Panel 2

RidgeGate PDD, 7th Amendment — Planning Areas Map

Recorded February 21, 2020 (Reception No. 2020012568); revised June 7, 2024



Caption

Same planning area, recolored for planning-area designations. The major circulation network is materially unchanged from the 3rd Amendment at the same access and intersection points (highlighted). The 7th Amendment continues to designate the Surrey Ridge end as the “Main Access Road” for the mesa-top arterial. No access point is depicted at the Cabela/Hillcamp end in this amendment or in any of the seven RidgeGate PDD amendments. Footer disclaimer is identical to the 3rd Amendment.

Panel 3

Aerial Imagery — RidgeGate East as built

May 17, 2026



Caption

Current built conditions. The Lyric Drive corridor and the other depicted arterials are constructed on the alignments depicted in the controlling PDD. Deviations are limited to internal-street geometry. The access and intersection points highlighted on Panels 1 and 2 match the as-built locations. No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed — the built alignment was consistent with the PDD depictions.

Observations the Exhibit supports

- Across PDD 3rd Amendment (2011), PDD 7th Amendment (2020), and as-built conditions (May 17, 2026), the major circulation network depicted in the controlling PDD has been honored. Deviations are limited to refinement of internal-street geometry within the PDD-depicted network.
- No PDD amendment was sought or obtained for the Lyric Drive corridor because none was needed — the built alignment was consistent with the PDD depictions. The “conceptual… subject to modification and refinement” disclaimer was not invoked to support the Lyric Drive build-out because no inconsistency with the PDD existed.
- By contrast, the Hillcamp Drive alignment proposed under SB25-0014 (a) abandons the PDD-designated Surrey Ridge access under the asserted pretext of “environmental infeasibility” — even though the applicant routes a 12-inch Zone 3 water transmission main serving the same 343-home development through that same corridor — and (b) introduces new collector-road access at the Cabela/Hillcamp end, where no PDD has ever depicted one.
- Refinement within the PDD-depicted network (the Lyric Drive precedent) and introduction of major circulation outside the PDD-depicted network (the Hillcamp Drive proposal) are different in kind. The disclaimer the applicant relies upon has, in fifteen years of RidgeGate build-out, supported only the former.

Sources

Panel 1: RidgeGate Planned Development District, 3rd Amendment, Planning Areas Map, recorded June 23, 2011, Douglas County, Colorado.

Panel 2: RidgeGate Planned Development District, 7th Amendment, Planning Areas Map, recorded February 21, 2020, Douglas County, Colorado, Reception No. 2020012568; revised June 7, 2024.

Panel 3: Aerial imagery of RidgeGate East, dated May 17, 2026.

EXHIBIT C

Coverage Matrix — City of Lone Tree, February 11, 2026 Directive ↔ Applicant March 27, 2026 Response Letter

Filed in the Referral Record of the City of Lone Tree — SB25-0014 Hillcamp Drive Filing No. 1

The City directive (verbatim)

> *"Please provide a consolidated response letter that provides detailed responses to the City's technical review comments and all referral comment received, along with revised plans and associated documents as necessary."*
>
> — City of Lone Tree, Third Technical Review Letter for SB25-0014, Feb. 11, 2026, at 1.

> *"Should the applicant choose to move forward without adequately addressing City staff's comments, staff may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20, for the reasons identified in the technical review comments below."*
>
> — Id. at 2.

What the applicant filed

Applicant Response Letter, JR Engineering, March 27, 2026 — 24 pages. Cover note states: "Please see the Applicant Team's comment responses to the third submittal comments made on February 11, 2026. The comment responses are in blue." (Applicant Response at 1.) The word "consolidated" does not appear in the letter. The substantive Colorado Geological Survey engineering response is deferred "under separate cover." (Id. at 6.)

Coverage matrix

Referral agency / commenter	R1 referral letter of record	Addressed in R2 City Response Letter (3/27/26)?	Treatment
Colorado Geological Survey (CGS)	Jan. 30, 2026 referral letter (Unique No. DU-26-0010_2); insufficiency finding	Deferred	Substantive engineering response not in this letter — "Geotechnical Comment Responses will be provided under separate cover." (Applicant Response at 6.) CGS has not rescinded the Jan. 30 finding.
South Metro Fire Rescue (SMFR)	Feb. 4, 2026 referral letter (REFPDP25-00321); ten comments; non-objection withheld	Not addressed	Zero mentions of "SMFR" or "South Metro Fire" in the 24-page response. McArthur EVA ~10% grade vs. SMFR 6% maximum; no variance sought.
Colorado Dept. of Transportation (CDOT)	R1 referral letter of record	Not addressed	No substantive response. I-25 interchange / ramp queue impacts unaddressed.

Colorado Parks and Wildlife (CPW)	Jan. 19, 2026 referral letter	Not addressed (partial bio-report only)	No response to the CPW referral letter. CTL | Thompson gates further SWAP-species habitat and foraging analysis on paid additional scope. (Applicant Response at 17, Bio ¶ 3.)
Douglas County	R1 referral letter of record	Stub only	One-line reference: “An email from Douglas County regarding the bridge has been included in resubmittal.” (Applicant Response at 4.) No substantive engagement with Douglas County Public Works on access or right-of-way.
The Retreat at RidgeGate HOA	Feb. 10, 2026 referral comment letter	Not addressed within the consolidated record	Referenced only as adjacent landowner; substantive objections not engaged. The Brownstein Hyatt Farber Schreck letter to The Retreat dated March 27, 2026 is a separate letter outside the City's submittal package and is not the consolidated response the City directed.
Surrey Ridge HOA	R1 referral letter of record	Not addressed	Zero mentions of “Surrey Ridge” in the 24-page response.
McArthur Drive Coalition	R1 referral letter of record	Not addressed	Zero mentions of “McArthur” in the 24-page response.
Southgate Water District	Recorded easement Reception No. 2017004197; Parcel 11 directly adjacent to the proposed cut	Not addressed	Zero mentions of “Southgate,” “Parcel 11,” or “Reception No. 2017004197” in the 24-page response. Easement ¶¶ 2, 9, 11 written-approval requirements not engaged.

Observation

Of the nine referral agencies and commenters of record, eight received no substantive response in the consolidated record, and the ninth (CGS) was deferred “under separate cover.” The City's February 11, 2026 letter tied the consolidated-response directive directly to Lone Tree Municipal Code § 17-5-20 Approval Standards: without adequate response, staff “may be unable to find that the project is consistent with the final plat Approval Standards provided in Municipal Code Sec. 17-5-20.” (City letter at 2.)

Sources

City of Lone Tree, Third Technical Review Letter for SB25-0014, Feb. 11, 2026, 15 pp.

JR Engineering, Applicant Response Letter to City of Lone Tree, March 27, 2026, 24 pp.

Brownstein Hyatt Farber Schreck, Applicant Response Letter to The Retreat at RidgeGate HOA, March 27, 2026.

Colorado Geological Survey, Referral Comment Letter (Unique No. DU-26-0010_2), Amy Crandall, P.E., Jan. 30, 2026.

South Metro Fire Rescue, Referral Comment Letter (REFPDP25-00321), Feb. 4, 2026.

Colorado Parks and Wildlife, Referral Comment Letter, Jan. 19, 2026.

Southgate Water District Water Utility Easement, Douglas County Reception No. 2017004197, recorded January 18, 2017.

EXHIBIT M

GESC Plans Sheet 4: Construction Fence and Staging Area Depicted on HOA-Owned Tract M and Surrounding HOA Common Areas

Filed in the Referral Record of the City of Lone Tree, SB25-0014 Hillcamp Drive Filing No. 1

Purpose of this Exhibit

This Exhibit reproduces Sheet 4 of the applicant's Grading, Erosion, and Sediment Control (GESC) Plans (HILLCAMP_R2_Hillcamp-Trail-GESC-Plans, March 27, 2026 resubmittal). Sheet 4 depicts approximately 422 linear feet of construction fence located on HOA-owned Tract M and surrounding HOA common areas, together with construction-staging features (including the portable-toilet location) immediately adjacent to the Tract M stormwater retention pond. The HOA has not authorized any construction fence, staging features, or other construction installation on HOA-owned property.

Sheet 4 is offered together with the GESC Report at p. 6, § 1-F, which concedes that "while vehicle fueling is expected on-site, there is no designated area for fueling at this time," and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." Tract M is a stormwater retention facility, and the staging area depicted on Sheet 4 lies immediately adjacent to it.

Panel 1: GESC Plans Sheet 4 (full sheet)

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control Plans, Sheet 4 of the Initial GESC Plans series, March 27, 2026 resubmittal.

C:\Users\kmoo.JDC\ACCDocs\JR Engineering\159512\Project Files\159518 Cabela Drive\Drawings\Sheet Drawings\159518 Hillcamp Dr GESC\159518 INITIAL.dwg, INITIAL, 3/26/2026 12:47:13 PM, kmoo

NOTES:

1. SEE SHEET 1 FOR BENCHMARK AND SHEET 3 FOR LEGEND.
2. SEE SHEET 2 FOR STANDARD GESC NOTES AND DETAILS.
3. CONTRACTOR SHALL HAVE ADEQUATE DUST SUPPRESSION EQUIPMENT ON SITE AT ALL TIMES. ALL DUST GENERATED FROM OPERATIONS AS DETERMINED BY THE CITY SHALL BE CONTROLLED.
4. CONTRACTOR SHALL STOP ANY OPERATION OR STOPPING ALL WORK UNTIL DUST CAN BE CONTROLLED.
5. ADJACENT PAVED ROADWAYS SHALL BE KEPT CLEAR OF MUD AND DEBRIS AT ALL TIMES. STREET SWEEPING SHALL BE ACCOMPLISHED USING ONLY DRY METHODS OF CLEANING PER CITY OF LONE TREE SPECIFICATIONS. TRACKING OCCURS IT MUST BE IMMEDIATELY REMOVED.
6. CONTRACTOR SHALL NOTIFY CITY OF LONE TREE 72 HOURS PRIOR TO ANY EARTH DISTURBING ACTIVITIES AND SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY OF LONE TREE. NO WORK SHALL COMMENCE PRIOR TO THIS MEETING AND APPROVALS BEING OBTAINED FROM THE CITY OF LONE TREE.
7. ALL INLETS SHALL BE PROTECTED WITH INLET PROTECTION AS SHOWN ON THE PLANS. ALL INLETS WITH GRATES SHALL HAVE SURFACE AND STAKED DOWN ON ALL FOUR SIDES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE MAINTAINED AND THEREFORE REGULATION 72 IS REQUIRED TO BE FOLLOWED.
9. CONSTRUCTION ACTIVITIES ARE NOT PLANNED FOR LONGER THAN 14 DAYS SHALL BE STABILIZED TO PROTECT DISTURBED AREAS FROM EROSION.
10. GESC PERMIT CLOSEOUT WILL NOT OCCUR UNTIL ALL DISTURBED AREAS ARE STABILIZED AND PRE-DEVELOPMENT CONDITIONS. WEED MITIGATION MAY BE REQUIRED PRIOR TO GESC CLOSEOUT.

INITIAL GESC NOTES:

1. SEE COVER SHEET 1 OF 3 FOR LEGEND OF BMP NAMES AND SYMBOLS

KEYMAP
SCALE: 1" = 600'

50 25 0 50 100
ORIGINAL SCALE: 1" = 50'

CITY OF LONE TREE

DATE

THESE CONSTRUCTION PLANS HAVE BEEN REVIEWED BY THE CITY FOR GENERAL GRADING AND EROSION CONTROL IMPLEMENTATION ONLY.

ENGINEERING DIVISION ACCEPTANCE BLOCK

811 Know what's below. Call before you dig.

ENGINEER'S STATEMENT

THE GRADING, EROSION, AND SEDIMENT CONTROL PLAN INCLUDED HEREIN WAS PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF CITY OF LONE TREE GRADING, EROSION, AND SEDIMENT CONTROL (GESC) CRITERIA.

KEVIN J. ROHRBOUGH, P.E.
COLORADO P.E. NUMBER 60,000
FOR AND ON BEHALF OF JR ENGINEERING, LLC

DATE

H-SCALE	1"=50'
V-SCALE	N/A
DATE	3/26/26
DESIGNED BY	KAC
DRAWN BY	KF
CHECKED BY	

No.	REVISION	BY	DATE

J·R ENGINEERING
A Westrian Company

Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

PREPARED FOR
RAMPART RANGE METRO DISTRICT NO. 1
8390 E CRESCENT PKWY
SUITE 300
GREENWOOD VILLAGE, CO 80111
(303) 779-5710

UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, JR ENGINEERING APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.

HILLCAMP DRIVE GESC PLANS

INITIAL GESC PLANS

SHEET 4 OF 18

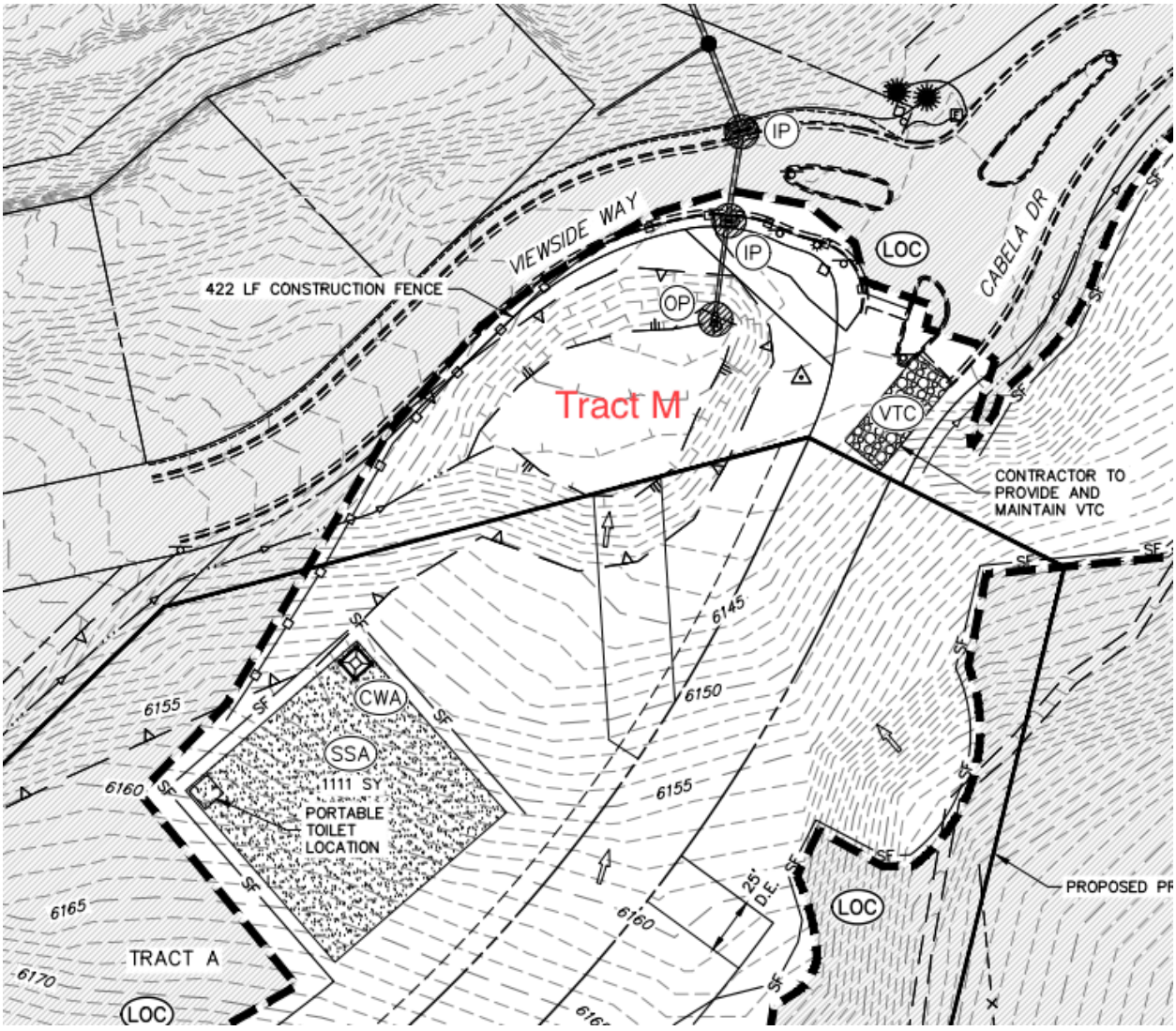
JOB NO. 159518

Caption

Sheet 4 of the Initial GESC Plans depicts the proposed Hillcamp Drive alignment, the disturbance footprint, the silt-fence and construction-fence boundaries, the construction-staging area, and the portable-toilet location. The Tract M region, owned by The Retreat at RidgeGate HOA, is depicted at the eastern end of the alignment (near the Cabela / Hillcamp connection). Panel 2 reproduces the Tract M region at higher detail.

Panel 2: Detail of the Tract M region

Detail crop of Sheet 4, eastern portion, showing the construction fence wrapping the HOA-owned Tract M stormwater retention pond and the construction-staging area (including portable-toilet location) adjacent to Tract M.



Caption

The dashed construction-fence symbol (approximately 422 LF, per Sheet 4 labeling) wraps along HOA-owned Tract M and surrounding HOA common areas. The construction-staging area, with the portable-toilet location, is depicted immediately adjacent to the Tract M stormwater retention pond. No HOA authorization for any of these installations on HOA-owned property has been sought or obtained.

Note: Tract M is identified on the official Plat for Ridgegate, Section 22 Filing No. 1 Amendment No. 2, and is referenced by name in the City of Lone Tree's February 11, 2026 Third Technical Review Letter at p. 4,

Planning paragraph 3. The red "Tract M" annotation on Panel 2 was added by the resident for reader orientation; the underlying Sheet 4 source contains the construction-fence symbol, the "PORTABLE TOILET LOCATION" callout, and the "PROPOSED PROPERTY BOUNDARY" callout that establish the depicted condition.

Observations the Exhibit supports

- The construction documents depict physical occupation of HOA-owned property (approximately 422 LF of construction fence on Tract M and surrounding HOA common areas, plus construction-staging features) without any recorded authorization from the HOA. The Board of Directors of The Retreat at RidgeGate HOA will not grant the applicant any rights in Tract M or other HOA-owned tracts.
- Tract M is a stormwater retention facility owned by The Retreat at RidgeGate HOA. The construction-staging area depicted on Sheet 4 lies immediately adjacent to Tract M.
- The applicant's own GESC Report, at p. 6, § 1-F, concedes that "there is no designated area for fueling at this time" and provides only that fueling areas "shall be located a minimum of 100 feet from all drainage courses whenever possible." The staging location depicted on Sheet 4 does not appear to satisfy a 100-foot setback from Tract M.
- These facts independently support the City of Lone Tree's February 11, 2026 finding that the application does not satisfy Approval Standard #3 under Lone Tree Municipal Code § 17-5-20 (Tract M authority), and add a procedural-defect dimension to Deficiency 9 (pattern of disregard for adjacent-owner property rights).

Sources

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control (GESC) Plans, Sheet 4 (Initial GESC Plans), March 27, 2026 resubmittal (HILLCAMP_R2_Hillcamp-Trail-GESC-Plans).

JR Engineering, Hillcamp Drive Grading, Erosion, and Sediment Control (GESC) Report, March 27, 2026 resubmittal, p. 6, § 1-C (earthwork and disturbance area) and § 1-F (vehicle fueling) (HILLCAMP_R2_Hillcamp-Trail-GESC-Report).

City of Lone Tree, Third Technical Review Letter for SB25-0014, February 11, 2026, at p. 4, Planning paragraph 3 (Approval Standard #3 finding).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

Dear Chuck:

The McArthur Drive Coalition is a group formed to represent 875 households in the McArthur Ranch, Highland View Estates, Stornoway, and Wildcat Preserve neighborhoods (the "Coalition"). On behalf of these residents, we would like to formally comment on the Southridge Preserve of the Hillcamp Development (the "Development") which is adjacent to McArthur Ranch.

The priority of the Coalition is to preserve the safety and attributes of the historic rural community of McArthur Ranch, specifically to prevent the development of and increased traffic on McArthur Drive. The Coalition has had several conversations with representatives of the developer of Hillcamp, Brookfield Residential ("Developer"), and Kevin Rohrbough with JR Engineering, the Developer's engineering firm ("Engineer"), and we believe our requests are in the best interests of the City, the County, residents of the Development, and the residents represented by the Coalition. In accordance therewith, the Coalition requests the following:

1. The Coalition requests that the Sub-Area Plan, Southridge Preliminary Plan, Traffic Study and the Hillcamp Southridge Construction Documents proposed by the Developer:
    a. consistently identify the access point to McArthur Drive as a **perpetual emergency only access point**; and
    b. specify at least **TWO locked gates** and signs designating access for emergency vehicles only to be installed on the EVA (one at the access point and one near the amenities center).
2. We respectfully request that **approval of the final Southridge Plan and final plat be contingent** upon the limitation of the access point to McArthur Drive as a perpetual emergency-only access and the requirement of two locked gates with appropriate signage designating access for emergency vehicles only. **We request that these conditions for approval be recorded in the Douglas County real estate records in the form of an enforceable Memorandum of Understanding between the City and the Developer.**
3. The Coalition met with the Developer and the Engineer, and they agreed to install the gate at the border between McArthur Ranch and the Development **prior to any construction activity** to prevent construction traffic on McArthur Drive. Further, we request that earthmoving equipment also not be allowed to use McArthur Drive. We request that this be formally confirmed by the City during public comments.
4. With respect to the safety of both our residents and the wildlife with which we coexist, the current wildlife corridor design is unacceptable as it creates a dead-end condition that forces large elk herds onto the steep slope behind the McArthur Ranch properties. We request a revised solution that provides a safe

and functional wildlife passage. Additionally, we request formal rattlesnake mitigation and prairie dog removal or relocation.

We appreciate your consideration of the concerns of the 875 households impacted by the Development to ensure that these changes are incorporated into the Final Development Documents approved by the City. We request that we be notified of any changes, additions or deletions related to McArthur Drive prior to the finalization of the Development Documents. Notifications should be sent to the Coalition's email address at **mcarthurdrivecoalition@gmail.com**.

Respectfully,

McArthur Drive Coalition

Coalition members:

Cecilia Madison
Angela Smart
Susan Tillman
Keith Tillman
Chuck LaCouture
Jim Brant
Jolene VerSteeg

cc: Kevin Rohrbough (kevinrohrbough@jrengineering.com)

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

To: City Council / Planning Commission / Douglas County Commissioners

Re: Opposition to the Proposed Hillcamp Development and Associated Access Plans

Dear Members of the Council and Planning Commission,

I am an active community member and home owner in both, Lone Tree, Colorado and Surrey Ridge are not going quiet and will not surrender and be subjected to the Hillcamp Development‘s impacts on our natural open space landscape, roads, traffic, and local wildlife.

I respectfully submit this letter in strong opposition to the proposed Hillcamp development and associated roadway and infrastructure plans. While we recognize the importance of thoughtful growth and housing opportunities, this proposal raises serious concerns regarding public safety, environmental preservation, infrastructure capacity, fiscal responsibility, and irreparable impacts to existing communities and residents.

Our concerns include, but are not limited to, the following:

- First and foremost, emergency access and wildfire evacuation remain deeply troubling issues. Existing neighborhoods in the area rely on limited access roads and already face evacuation challenges during emergencies. Adding significant residential density to this area increases the risk to current residents and first responders alike. Nearby rural communities such as McArthur Ranch and our community in Surrey Ridge are particularly vulnerable because they rely on wells and are not supported by city-maintained fire hydrants. In an era of increasingly severe wildfire events across Colorado,

approving a development that compounds evacuation and fire suppression challenges is irresponsible and dangerous.

- The proposal would also result in the loss and fragmentation of more than 400 acres of land currently functioning as wildlife habitat and movement corridors. Adjacent public open space would be negatively impacted by development activity and increased human intrusion. Although portions of the proposal are labeled as “open space,” much of this land appears to function primarily as internal subdivision space rather than truly accessible public open space for the broader community. Likewise, the proposed amenities and trails seem designed primarily for Hillcamp residents rather than for meaningful regional public use.
- Traffic congestion and roadway safety concerns have not been adequately addressed. Existing roads and intersections already experience congestion, and the introduction of substantial additional traffic will negatively impact safety, commute times, emergency response access, and quality of life for surrounding residents. These impacts extend beyond the immediate development area and will create cumulative burdens on neighboring communities and Douglas County infrastructure.
- We are also concerned about the suitability of the site itself. Portions of the proposed development area contain unstable soils and terrain identified as landslide-prone by the Colorado Geological Survey. Significant hillside grading and terrain modification appear necessary to construct the project, directly conflicting with claims that the development would “preserve topography.” The risks associated with slope instability, erosion, and long-term structural integrity deserve far more scrutiny before any approvals are granted.
- Drainage and stormwater management present additional major concerns. Constructing a subdivision above long-established neighborhoods increases the likelihood of runoff, erosion, and downstream flooding impacts. Residents below the proposed

development should not bear increased flood or drainage risks as a consequence of this project.

- The proposal also raises substantial financial concerns for taxpayers. Long-term maintenance obligations for roads, infrastructure, and the proposed pedestrian bridge may ultimately fall to the City of Lone Tree or Douglas County. Residents deserve transparency regarding the long-term public costs associated with maintaining infrastructure that primarily serves a private development.
- Additionally, this proposed access alignment is not identified in the RidgeGate 7th Amendment Planned Development District, raising important questions regarding consistency with previously adopted planning documents and community expectations. Deviations of this magnitude warrant careful reconsideration and full public accountability.
- Finally, drought conditions and water resource concerns cannot be ignored. Colorado continues to experience increasingly warm and dry conditions, including one of the warmest winters in recent memory. Expanding residential development in a high-risk, resource-constrained environment raises legitimate questions about long-term sustainability and responsible growth management.

For all of these reasons, I urge you to reject the proposed Hillcamp development. I respectfully ask that the protection of existing residents, public safety, wildlife habitat, infrastructure integrity, and long-term fiscal responsibility remain the priority in all future decisions regarding this proposal.

Thank you for your time and consideration.

Sincerely,

Audrey Oserow

Surrey Ridge and Ridgegate homeowner and Resident

Chuck Darnell

From: Autumn Kimball <kimballworks@gmail.com>
Sent: Tuesday, May 26, 2026 4:49 PM
To: Chuck Darnell
Subject: Please protect surrey ridge!!

May 26, 2026

City of Lone Tree
Community Development Department
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014)

Dear Members of the Planning Commission and City Council:

I am writing as a resident of 11 W Surrey Drive regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below.

Colorado is supposed to be protected expanded but with thought. We have major developments all around us of hundreds of houses….i understand we just keep growing! But protect the neighborhoods that show Colorado at its best! Rolling hills…kids free to walk and bike the trails… it's the Colorado gem. Please be thoughtful past profit.

First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record.

What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting.

Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies. The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here.

The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk.

The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is

gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change.

I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard.

Sincerely,
Autumn kimball
11 W Surrey Drive

Autumn Kimball
Creative Director

Sent from my iPhone

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
9220 Kimmer Drive, Suite
Lone Tree, CO 80124

I'm writing with respect to your solicitation of public comment regarding the "Final Plat application for Hillcamp Trail Filing No. 1".

As a current resident of Lone Tree living in the immediate vicinity of the proposed street development, I continue to **strongly object** to the project as currently designed for the following main reasons as per my original submission dated February 9, 2026:

- **Safety** - the plan's proposed route risks being structurally unstable as well as contributing to wildfire risk and therefore poses a potential danger to the community.

- **Quality of Life** - the plan's proposed route doesn't fully consider the resulting degradation to the quality of living environment that will be experienced by the surrounding residents and the area's visitors but rather prioritizes benefits to the project's developer and future residents at the expense of current citizens.

- **Alternatives** – the plan dismisses an option that is potentially better for the community and that has been included in the related Planned Development District for years without providing legitimate support for that conclusion.

For purposes of this response, I re-emphasize that a better alternative exists for the primary public access to the proposed new residential development than the currently proposed Hillcamp Trail.

1. The November 20, 2025 Technical Memorandum provided by JR Engineering to the City of Lone Tree Planning Division details alternative road access alignments that were assessed prior to arriving at the recommended Alignment 1 of Hillcamp road currently under consideration. Among them is Alternative Alignment 7 – Surrey Ridge Alignment. This alternative has been included as a designated access in the related Planned Development District for years including in the most recent RidgeGate 7th Amendment Planned Development District.

   The Technical Memorandum itself details that Alternative Alignment 7 Meets Emergency Access Criteria, has a shorter Roadway Length (3,717 LF vs. 4,077 LF)

and less Steep Maximum Roadway Grade (4.7% vs. 6.0%) than the currently proposed Alternative 1.

2. The March 27, 2026 Applicant Response to The Retreat at RidgeGate Homeowners Association Referral Response to Application provided by Brownstein Hyatt Farber Schreck ("Brownstein letter") again quotes reasons for dismissing Alignment 7 as a viable alternative that include:

- "disrupting wildlife movement access to Happy Canyon Creek"
    - **My Rebuttal:** This could be easily mitigated though the implementation of appropriate fencing as is incorporated very nearby for purposes of mitigating wildlife traversing I-25.
- "requiring extensive cuts and scrub oak removal"
    - **My Rebuttal:** Anyone that walks the paths of Alignments 1 and 7 (I do nearly daily) would clearly realize that the amount of scrub oak deforestation associated with Alignment 1 is far greater than that associated with Alignment 7. Alignment 1 routes through an undeveloped canyon/dry creek bed with dense concentrations of scrub oak. Alignment 7 does not.
- "creating significant visual impacts to prominent bluffs, including the views from I-25"
    - **My Rebuttal:** There are zero current residents in the immediate vicinity of Alignment 7. Alignment 1 directly abuts the Retreat at RidgeGate and also impairs the environment of the neighboring Montecito development. I fail to understand why a visual impact to I-25 drivers is more important than the impact to actual residents.
- "having certain additional emergency-access and design-standard constraints that are associated with the rural character of the area and the constraints of the nearby underpass".
    - **My Rebuttal:** While expansion of the I-25 underpass would be required to support the Hillcamp development for Alignment 7, it would also improve the road infrastructure to the benefit of neighboring communities such as Surrey Ridge and our future new neighbors in the Lyric and Hillcamp developments. Alignment 1 benefits only Hillcamp to the detriment of existing residents.

I have yet to see a legitimately supported argument for removing Alignment 7 from consideration and will therefore suggest that the actual reason is a lower cost for the developer combined with relative ease of its logistics.

3. I would also like to address the developer's assertion that "RidgeGate has worked to be fully transparent about this future roadway connection with the residents of The Retreat by documents including a Surrounding Area Report that disclosed the roadway and future residential development to each homebuyer of The Retreat and which was signed by each homebuyer and recorded to appear in the chain of title as homes are resold." as per the March 27, 2026 Hillcamp Community Referral Response Letter provided by JR Engineering.

   I agree that the potential for a road in the general vicinity of our development was disclosed. Not disclosed was the ultimate proposed road's actual pathway including its immediate proximity to our neighborhood. The recently released proposed plan for the actual road per Alignment 1:

   - extends the entire length of our neighborhood and runs as close to homeowners' association property and actual residences as possible,
   - maximizes the visual impairment by proceeding through the entirety of a highly visible canyon/dry creek bed and,
   - is immediately adjacent to unstable land as evidenced by a 2024 landslide event that required multi-million dollar remediation and which is currently the subject of ongoing litigation between Southgate Water and Sanitation District and Century Communities.

   None of these details were available for disclosure at the time of our home purchases because according to the Brownstein Letter, "the intended purpose of a Planned Development District is to be a high-level planning document that is refined at each subsequent planning stage. Determining the final location of the road is simply a part of that refinement. The RidgeGate PDD shows the conceptual framework for the key elements of the anticipated development, but it does not show the precise plan for the development. The RidgeGate PDD itself states that it is conceptual and confirmed through the subsequent City approvals."

   Knowing the above factors of the now actually proposed road plan would have impacted my purchase decision. Approval of this plan would make me want to move.

My bottom line with respect to the Hillcamp Trail proposal is that we have a completely viable road plan alternative for the Hillcamp development that would also benefit other residents and neighboring communities as opposed to the currently proposed plan that benefits only the developer and future Hillcamp residents at the expense of current residents.

The City will make its priorities clear through its decision on which alternative to approve.

Brian Petersen
10860 Bluffside Drive
Lone Tree, CO 80124

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Chuck Darnell

From: Bruce Blyth <rmpu@msn.com>
Sent: Tuesday, May 26, 2026 10:59 AM
To: Chuck Darnell; Bruce Blyth
Subject: Hill camp

Dear Mr. Darnell,

I am writing as a resident of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014). I live at 10822 Bluffside Drive, and have lived in The Retreat for six years. The Hillcamp Drive proposal would place a new collector road behind my home and remove the trail I walk daily. It will also drastically affect the traffic in my neighbourhood on a daily basis. I respectfully ask the City to decline to advance this application on the current record. My specific concerns are below.

ISSUE 1. The City has already found the application fails Approval Standard #3

The developers assume they can utilize HOA property for water drainage and staging, even placing a fueling area next to our water runoff. This is not acceptable.

ISSUE 2. The road is being placed where no PDD has ever shown one

Why can the developers place a road next to our community where no Planned Development has been approved

ISSUE 3. The State's geology experts say the geotechnical study is not good enough

The developer wants to gloss over a geological hazard that has been identified. The hillside has already moved three times despite the Century developer following standard guidelines.

ISSUE 4. The same hillside has already failed three times

It has failed three times, it will fail again, and who picks up the tab.

ISSUE 5. Trail loss, construction noise, and community impact

Why will we be subjected to a prolonged noisy construction for a road that has not been approved?

For the reasons above, I respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record. I ask that any further advancement be conditioned on cure of the deficiencies identified by City staff, by the Colorado Geological Survey, and by South Metro Fire Rescue, and on the consolidated response to all referral comments that the City directed on February 11, 2026. Thank you for entering this comment into the public record for SB25-0014.

Respectfully,

Bruce Blyth

10822 Bluffside Drive

Lone Tree

rmpu@msn.com

May 26, 2026

May 26, 2026

City of Lone Tree
Community Development Department
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014)

Dear Members of the Planning Commission and City Council:

I am writing as a resident of 460 W SURREY DRIVE regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below. First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record. Surrey Ridge does not have fire hydrants, has narrow roads with bridle trail horse crossings.

We have had two fires near our home in recent years, one started by a Estes rocket from Castle Pines. It is easy when hot, dry and windy.

I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go. The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once. What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting. Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies.

The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here. The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk.

Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level. The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone.

Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change. I respectfully urge you to DENY this application. Thank you for the opportunity to be heard.

Thank you,

BRUCE BRYANT
460 W SURREY DRIVE

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Orten Cavanagh Holmes & Hunt, LLC
ATTORNEYS AT LAW

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May 26, 2026

Via Email: chuck.darnell@cityoflonetree.com

Chuck Darnell, Senior Planner
City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Mr. Darnell, and Members of the Planning Commission and City Council:

Orten Cavanagh Holmes & Hunt, LLC is legal counsel to the Concerned Residents of Surrey Ridge ("**CRSR**"), stakeholders and adjacent landowners who are sharing their concerns with the above application. These comments are in response to the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**). The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. CRSR's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting

resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).

- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.

- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.

- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, CRSR opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the

> record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public*

> *roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network CRSR opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not

address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's

own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL│Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *"The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*
>
> *"Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*
>
> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity.

The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.

- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large

mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in a ROW not dedicated to manage the traffic impact, does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. CRSR and other Surrey Ridge residents have

already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987) establishes that local governments have the legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas.

While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, RidgeGate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelated to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at RidgeGate Homeowners Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property*

records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property." Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion." The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

A master plan cannot be amended without affording due process to impacted residents. Moreover, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.

- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.

- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the

"environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while CRSR expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL│Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. … Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Under *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9, an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge Association, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. CRSR respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.

3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge Association, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

CRSR respectfully requests that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Sincerely,



Jonah G. Hunt
ORTEN CAVANAGH HOLMES & HUNT LLC

JGH/sb

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistently with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105 (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 43-1-106 / C.R.S.A. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which requires every planned unit development to be evaluated against, and to be consistent with the standards and conditions set forth in the adopting resolution or ordinance, and under *Friends of the Black Forest Preservation Plan, Inc. v. Board of County Commissioners of El Paso County*, 2016 COA 54, 381 P.3d 396, which vacated a land-use approval under C.R.C.P. 106(a)(4) where the record

fails to support the approval criteria. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-304 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the §29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as ability to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. §29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On *April 21, 2026, the* Lone Tree City Council adopted the Colorado Wildfire Resiliency Code on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103, a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under §302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the §302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR §403 / §404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3100+ cars onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It will also cause near certain deaths if a fire emergency were to occur. The developer's argument that an access to Surrey Ridge would protect those residents, is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before

> approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. §29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC §403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC §D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway.*

> *Because of this elevation difference, a public roadway connection is infeasible at this location." — Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC §403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR §403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC §404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt,*

slate, and concrete tiles" and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan. The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and The Retreat at Ridgegate's own

pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL | Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside (subject of Southgate Water v. Century Communities), the record cannot support a competent finding under C.R.S. §30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability

> review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104 authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY — CEILING, NOT ENTITLEMENT (C.R.S. § 24-67-105)

C.R.S. § 24-67-105 establishes maximum PDD density as a *ceiling* and grants the City *"wide discretion to negotiate all aspects."* The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks entirely from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating maximum PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder, 927 P.2d 1339, 1348 (Colo. 1996),* the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (Church and adjacent neighborhoods

including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear we will be trapped as we are occasionally in the mornings when we try to drive our children to school, and were as recently as on May 15, 2026, watching cars wandering our interior streets backed up all the way to the interior of our neighborhood hoping to navigate around standstill traffic. The Colorado Supreme Court in *Board of County Commissioners of Routt County v. O'Dell*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs*, it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 implicates the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County *Public Works* consent.

Two additional property-rights instruments narrow the record further. First, the recorded 1999 "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract, not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-*

sized) would be able to go across the bridge for maintenance and snow removal." That is not related to the EVA nor consent, narrow in scope, from the wrong department, only for F-350 maintenance access to the pedestrian bridge. It is not consent under § 43-1-106 for County-road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Parks & Rec's narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat HOA. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. ... the Project was redesigned to provide water quality in an alternative manner. ... construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under Lazy Dog Ranch; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Surrey Ridge Drive, the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. Colo. Rev. Stat. Ann. § 30-28-106(1). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), in part, that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/ day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Orten Cavanagh referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL │ Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone … is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the

> procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under Lazy Dog Ranch; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that, the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comment received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat HOA, and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge HOA, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Colorado Rules of Civil Procedure (C.R.C.P.) 106(a)(4)*, an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address.

XII. REQUIRED NOTICE NOT PROVIDED

In the City of Lone Tree, a Planned Development District (PDD) amendment is treated as a rezoning application as a PDD functions as its own localized zoning designation, any amendment to it changes the underlying regulations and requires the same formal public review process as a standard rezoning. Sec. 16-15-20. Further, Lone Tree City Zoning Code requires public notice be provided to adjacent landowners within two hundred (200) feet of the land proposed for zoning or rezoning within fifteen (15) days prior to the Planning Commission hearing, and again the same timeframe prior to the City Council Hearing. Sec. 16-15-80. The Surrey Ridge community has not received any formal notice of the adjacent development as of the second referral submission. It seems the City's land use code inherently deprives its residents (and those in neighboring unincorporated lots), of due process and the opportunity to participate with meaningful project review and response in writing prior to Planning Commission review when a project is in stages when feedback can be incorporated during project design without incurring more expensive and difficult changes. The City and developer would have been well served to engage adjacent communities from the onset instead of when the project has already generated voluminous documents to support four applications, and is at the late stage of construction documents.

The notice issue here runs on two parallel tracks across the four-application package, with different natural objectors:

Track A — SB25-0014 (Hillcamp Trail Final Plat)

Adjacent owners to the Hillcamp Drive / Hillcamp Trail alignment include The Retreat at RidgeGate (within Lone Tree city limits), Douglas County parcels along or near the proposed alignment, the McArthur Ranch parcels associated with the EVA access, and parcels along the retaining-wall corridor.

Track B — SB25-0009 and SB25-0010 (Preliminary Plans)

Surrey Ridge is geographically adjacent to the Preliminary Plan area governed by SB25-0009 and SB25-0010 - not to the road plat itself. Surrey Ridge owners did not receive individualized mailed notice for those Preliminary Plan applications. Surrey Ridge is the natural objector on those applications and preserves this defect on the record. The road plat (SB25-0014) exists to serve the development approved under SB25-0009 / SB25-0010; if the Preliminary Plan approvals are voidable for defective notice, the road serves no lawful purpose. The City cannot lawfully advance the road segment as if the procedural defects on the related applications it serves do not exist.

> **Finding Requested.** On Track A: the developer should produce, on the record, an affidavit of mailed notice for SB25-0014, with each adjacent owner served (including unincorporated-County owners), with addresses and dates of service. On Track B: the developer should produce the same affidavit for SB25-0009 and SB25-0010, with particular attention to individualized notice to Surrey Ridge owners in unincorporated Douglas County. Any deficiency on either track should be cured by providing adjacent landowners with sufficient notice to engage the referral process before that closes and goes to the Planning Commission for recommendation. Surrey Ridge preserves this Track-B objection on the present record.

XIII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).

5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

Elizabeth Riner

9902 N Heather Drive

Castle Rock, CO 80108

303-884-8939 , BetsyRiner@Comcast.net

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).



ELK STANDING ON HEATHER DR, MAY 20, 2026. WALKING IN THE ROAD FOR 1 HOUR

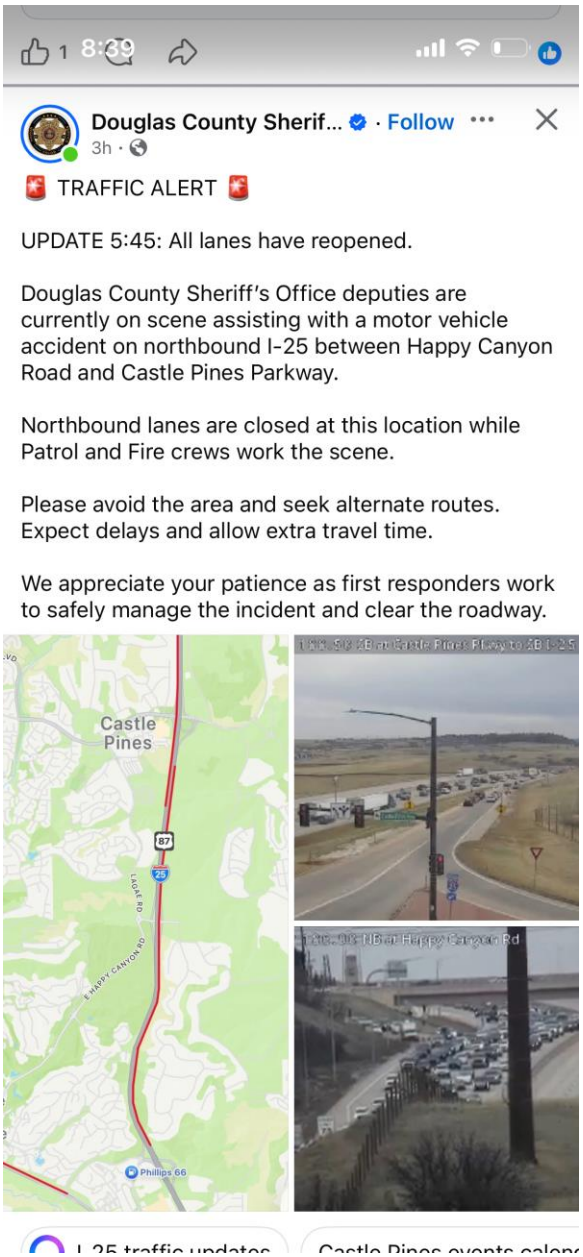


SURREY RIDGE EQUESTRIAN COMMUNITY – NO PLACE FOR HILLCAMP TRAFFIC

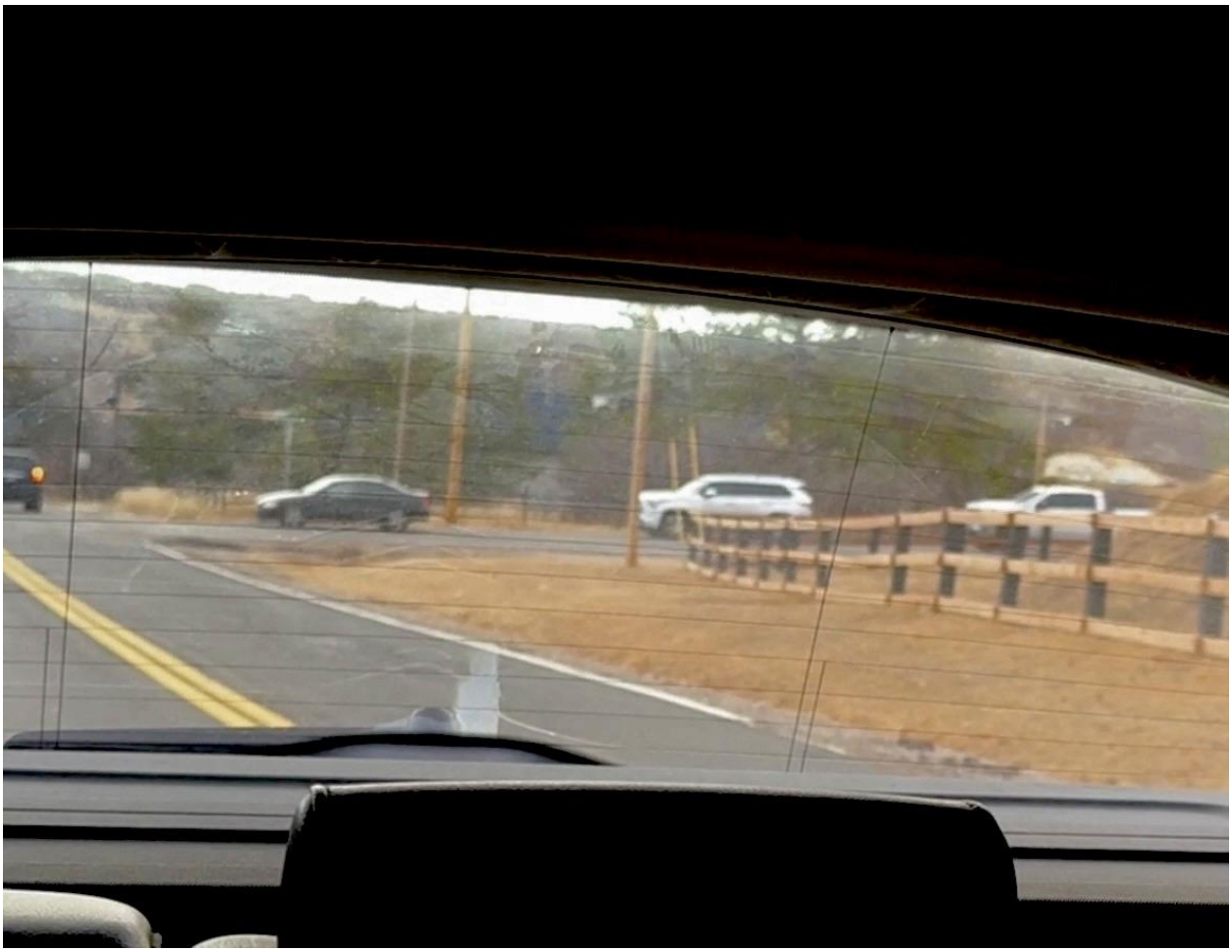


HORSES AND PEDESTRIANS ON N HEATHER DRIVE – NOT FOR HILLCAMP TRAFFIC





TAKE A LOOK AT THE TRAFFIC AND DOUGLAS COUNTY SHERIFF RECOMMENDATION TO: PLEASE AVOID THE AREA AND SEEK ALTERNATE ROUTES.
SURREY RIDGE WILL BE A CUTTHROUGH NEIGHBORHOOD TO HILLCAMP.



RECENT BACKED UP CUT THROUGH TRAFFIC ON CLYDESDALE ROAD, SURREY RIDGE TURNING NORTH ON TO SURREY DRIVE DUE TO I-25 CONGESTION. THESE CARS WERE ALL EXITING HAVANA TO CLYDESDALE IN ORDER TO BYPASS HAVANA BACKUPS TOO. ALL OF THIS TRAFFIC THEN ENDS UP BACKED UP AT THE ONE LANE UNDERPASS. THIS IS A NON-EMERGENCY SITUATION THAT RESTRICTS FLOW FOR SURREY RIDGE RESIDENTS. CONSIDER THE IMPLICATIONS IF HILLCAMP TRAFFIC IS ALLOWED TO HAVE ACCESS TO SURREY RIDGE AND AN EVACUATION EMERGENCY EXISTS. THIS IS DANGEROUS.

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire

Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL │ Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*
>
> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak

> Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire

suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*

> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment*

> *activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. … Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record

> absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/s/

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Comparative Terrain and Excavation Assessment

Proposed Hillcamp Trail Alignment vs. Road "A" / Alt 7

Submitted May 26, 2026 in reference to SB25-0014

1. Executive Summary

This document provides a comparative terrain and excavation assessment of the currently proposed Hillcamp Trail roadway alignment relative to the alternative Road "A" / Alt 7 alignment. The assessment is based upon developer roadway alignment exhibits, Google Earth-derived terrain profiles, transverse and longitudinal roadway sections, geologic hazard mapping, and comparative excavation geometry developed from the available project documents.

The analysis suggests that the currently proposed Hillcamp Trail alignment (see Figure 1) will require substantially greater terrain disturbance and cross-slope excavation than the alternative Road "A" / Alt 7 alignment (see Figures 2 and 3). The proposed Hillcamp Trail route appears to traverse steeper natural hillsides, requiring deep bench-style excavation within or adjacent to mapped geologic hazard areas and drainage crossings. Soil borings further indicate that several sections of the proposed alignment would require removal of up to 26 feet of "hard to very hard sandstone" in order to maintain the design grade.

By contrast, the Road "A" / Alt 7 alignment (see Figures 2 and 3)appears to more naturally conform to the existing terrain geometry, resulting in reduced excavation depth and reduced hillside modification.

The primary concern raised by this assessment is not merely roadway grade, but rather the magnitude of hillside alteration required to achieve roadway construction within geologically sensitive terrain. The construction documents support this assertion indicating some 114,000 cu yds of excavation would be required for the proposed alignment. Ground disturbance swaths of up to 215 ft are indicated for the proposed alignment.

2. Existing Terrain Conditions

The Hillcamp site occupies steep bluff terrain adjacent to the mesa top west of Interstate 25. The terrain is characterized by steep natural cross-slopes, deeply incised drainage features, mapped landslide hazard areas, localized seepage potential, and variable surficial soils overlying claystone and sandstone units.

Colorado Geological Survey (CGS) mapping and project geotechnical documents indicate the presence of landslide deposits, slope instability concerns, debris-flow susceptibility, and groundwater-related slope sensitivity in portions of the project area. The CGS referral letter(s) pertaining to the proposed alignment cited and emphasized the potential for slope failure in a designated landslide hazard.

The mesa top itself appears to be underlain by shallow soils over competent Castle Rock Conglomerate caprock, while the bluff slopes below contain substantially more complex and variable hillside conditions.

3. Hillcamp Trail Alignment — Terrain and Excavation Characteristics

The proposed Hillcamp Trail alignment (see Figure 1) ascends the bluff face from approximately Elevation 6,137 ft to Elevation 6,287 ft at the mesa crest. Construction of a substantial pedestrian bridge is required at the crest of the mesa to accommodate pedestrian traffic on the E-W Trail. In addition, an at grade crossing in this area will be required to accommodate equestrian traffic on the E-W Trail. Equestrian and automobile traffic interaction is an elevated risk scenario pertaining to this alignment.

Longitudinal profile analysis suggests design roadway grades of 6%, substantial hillside penetration, and localized roadway cuts approaching approximately 30 feet in depth. Approximately the last 1000 ft of the proposed alignment traverses an untouched primary watershed canyon of Little Cottonwood Creek.

The roadway geometry appears to require excavation directly into the natural hillside (see Figures 4 and 5) for significant portions of the alignment. Cross-slope excavation into these hillsides can only be considered a risk aggravating factor in a geo-technically risky area. An adjacent hillside in Tract C, some 150 ft north of the proposed roadway, experienced a significant slope failure in March 2023. This slope failure provides relevant near-term basis for either natural or excavation induced risk aggravation along the proposed alignment.

The proposed alignment passes directly through and crosses the Little Cottonwood Creek drainage (see Figure 1). The elevation profiles in this area show some 25 ft of elevation drop in a very complex multi drainage confluence area. This area is directly adjacent to the Tract C hillside that experienced slope failure in March 2023. Steep adjacent hillsides and CGS mapped landslide hazards surround this technically challenging crossing. Once again, geo-technical risk can be considered elevated in this area.

Figure 5 clearly shows an excavation exposed boulder field along the proposed alignment. Visual inspection of nearby hillsides along I-25 support and clarify the existence of boulder fields consisting of eroded blocks of Castle Rock Conglomerate being common along the flanks of the bluffs. The potential for encountering buried erratic boulders (see Figure 5) of documented size of near 15 feet along the proposed alignment further complicates the excavation feasibility.

The coincidence of steep transverse slopes, deep roadway cuts, and mapped geologic hazard terrain represents an elevated geotechnical concern.

The proposed alignment is directly adjacent to The Retreat development of some 50 homes and will significantly impact both traffic, air quality and noise considerations for The Retreat and adjacent Montecito neighborhoods.

4. Road “A” / Alt 7 Alignment Comparison

The alternative Road “A” / Alt 7 alignment (see Figures 2 and 3) appears substantially more terrain-conforming than the currently proposed Hillcamp Trail alignment.

Available roadway information suggests a flatter sustained roadway grade, reduced cross-slope excavation, reduced hillside penetration, and less intrusive terrain modification overall.

Unlike the Hillcamp Trail alignment, transverse sections along Road “A” indicate roadway geometry that appears to more naturally follow existing hillside contours rather than forcing major bench excavation into steep slopes. The transverse profile(s) of this alternate alignment indicate generally flat bottom areas of at least 50 ft width allowing for road construction with little or no cross-slope excavation(see Figures 6, 7 and 8). These 3 Figures were specifically chosen to show “worst case” scenarios along the Road “A” alignment. Figure 7 represents the narrowest transverse profile and still provides ample space for minimizing excavation construction.

Minimization of excavation also provides a significant cost advantage pertaining to construction.

The Alternative Road “A” / Alt 7 alignment also does not cross the E-W Trail, thereby eliminating the need for a pedestrian over-pass / bridge.

Finally, the Alternative Road "A" / Alt 7 alignment presents a SE exposure that is beneficial in this area in terms of expected snow melt.

This distinction is important because it suggests that feasible roadway access alternatives exist that substantially reduce excavation-driven geotechnical risk exposure and cost.

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The primary distinction between the two alignments appears to be terrain compatibility.

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This analysis does not conclude that roadway failure is inevitable. However, the available topographic and excavation geometry suggests that the proposed Hillcamp Trail alignment may materially increase excavation-related geotechnical risk relative to feasible alternatives.

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Road "A" could actually provide the only feasible alternative that minimizes vegetation removal due to it's reduced excavation requirements.

A consideration that should be mentioned is that the Road "A" alignment is in an already noisy corridor and thereby would preclude noise and traffic disruption in a currently quiet neighborhood. In addition, it could be pointed out that utility corridors could be placed co-incident with the Road "A" alignment, thereby obviating the need for two planned addition utility corridors on that side of the bluff.

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The incremental cost of construction of the proposed Hillcamp alignment could total 15-25 MM$ when all items are included. This would include:

- Excavation of 100,000 incremental cu-yds of hillside
- Haul away of 100,000 incremental cu-yds of excavation debris
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- Construction of a culvert-bridge spanning Little Cottonwood Creek
- Re-routing of E-W Trail
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Another consideration could be construction of an overpass at Lyric Road and I-25. This overpass and potential interchange could service both Hillcamp and Lyric developments and reduce traffic congestion at Ridge Gate. One possibility would be to model it after the interchange at Happy Canyon Road. CDOT funding assistance could be sought out.

8. Conclusions

Based upon the available terrain profiles, roadway sections, and geologic hazard information, the proposed Hillcamp Trail alignment appears to require substantially greater hillside excavation and terrain modification than the Road "A" / Alt 7 alternative.

The analysis suggests deeper roadway cuts, more aggressive cross-slope bench excavation, greater interaction with mapped hazard terrain, and increased disturbance of steep natural slopes.

By contrast, the Road "A" / Alt 7 alignment appears to more naturally conform to the existing terrain and may therefore reduce excavation-related geotechnical exposure.

Accordingly, additional comparative evaluation of excavation magnitude, slope stability implications, long-term maintenance risk, groundwater interaction, and terrain compatibility may be warranted prior to final roadway alignment selection.

NOTE: Figures are contained in four supplemental appendices due to file size limitations

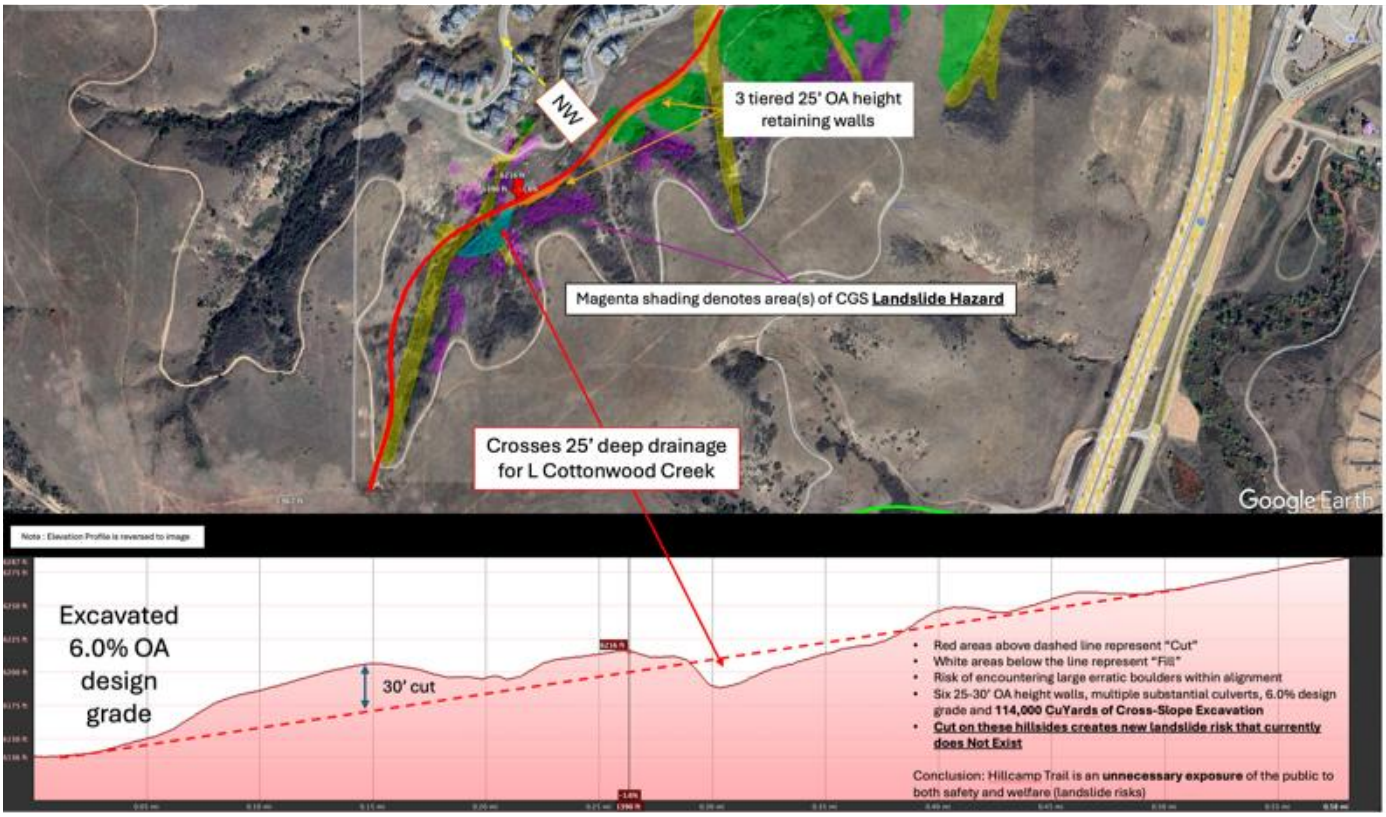

Figure 1 – Proposed Hillcamp Trail Alignment and Elevation Profile

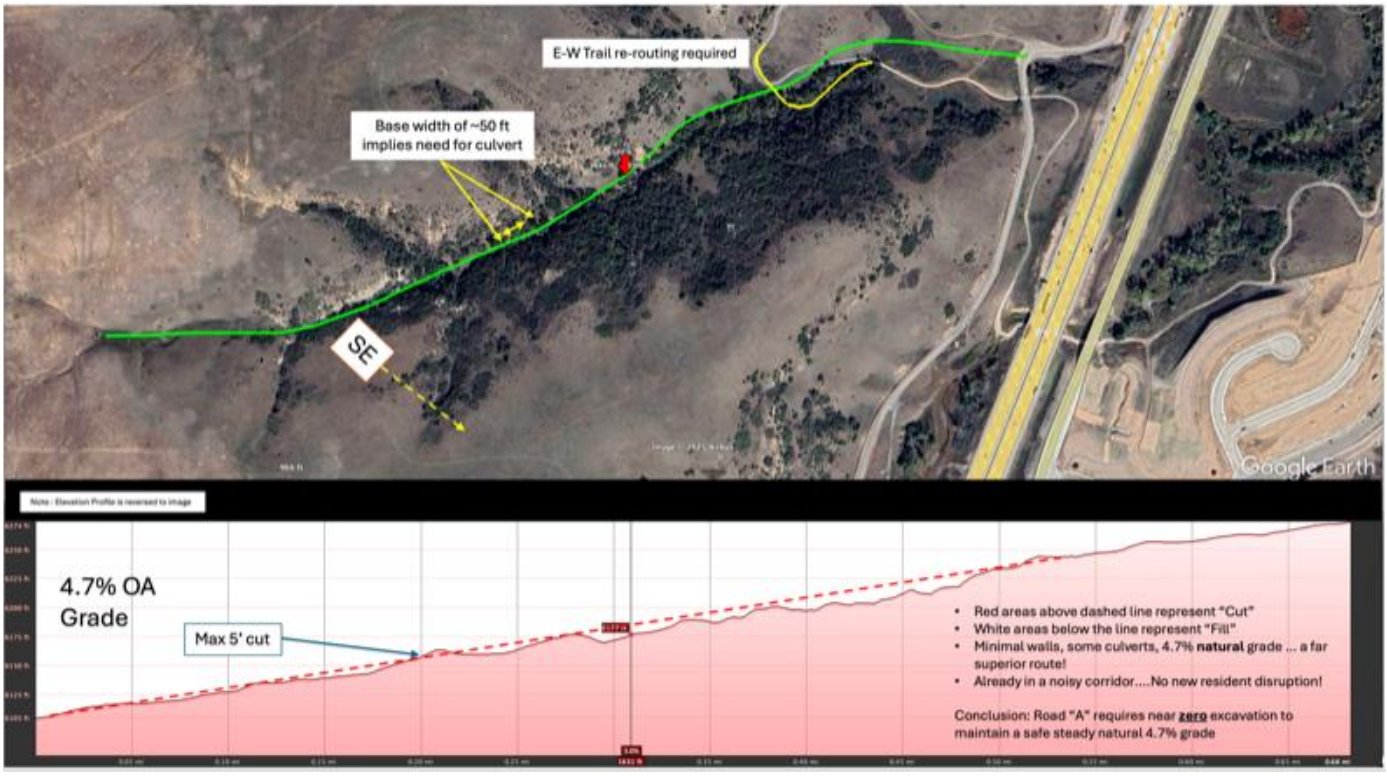

Figure 2 – Original Road "A" / Alt 7 Alignment and Elevation Profile

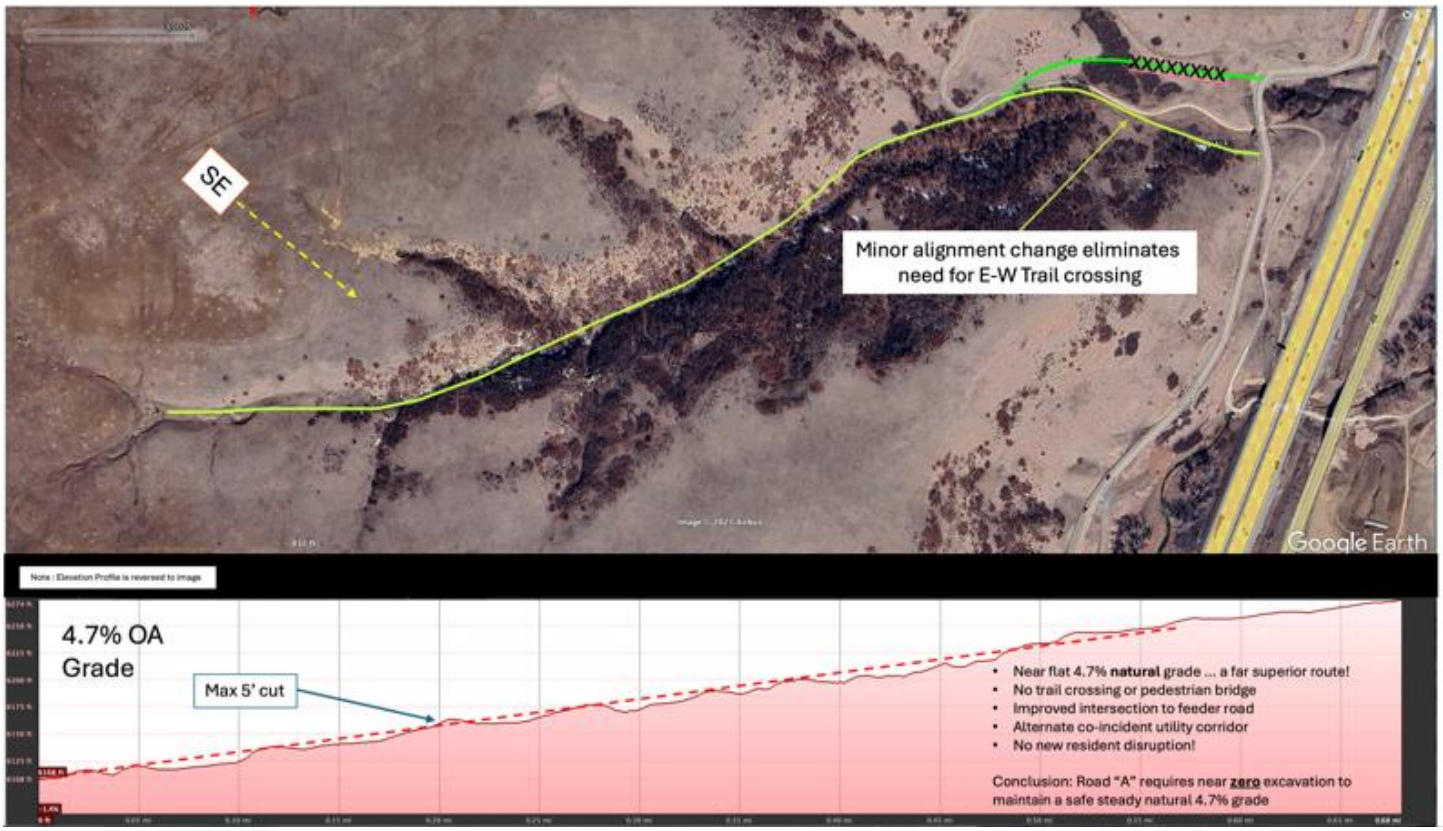

Figure 3 – Proposed Alternative 7 Alignment and Elevation Profile

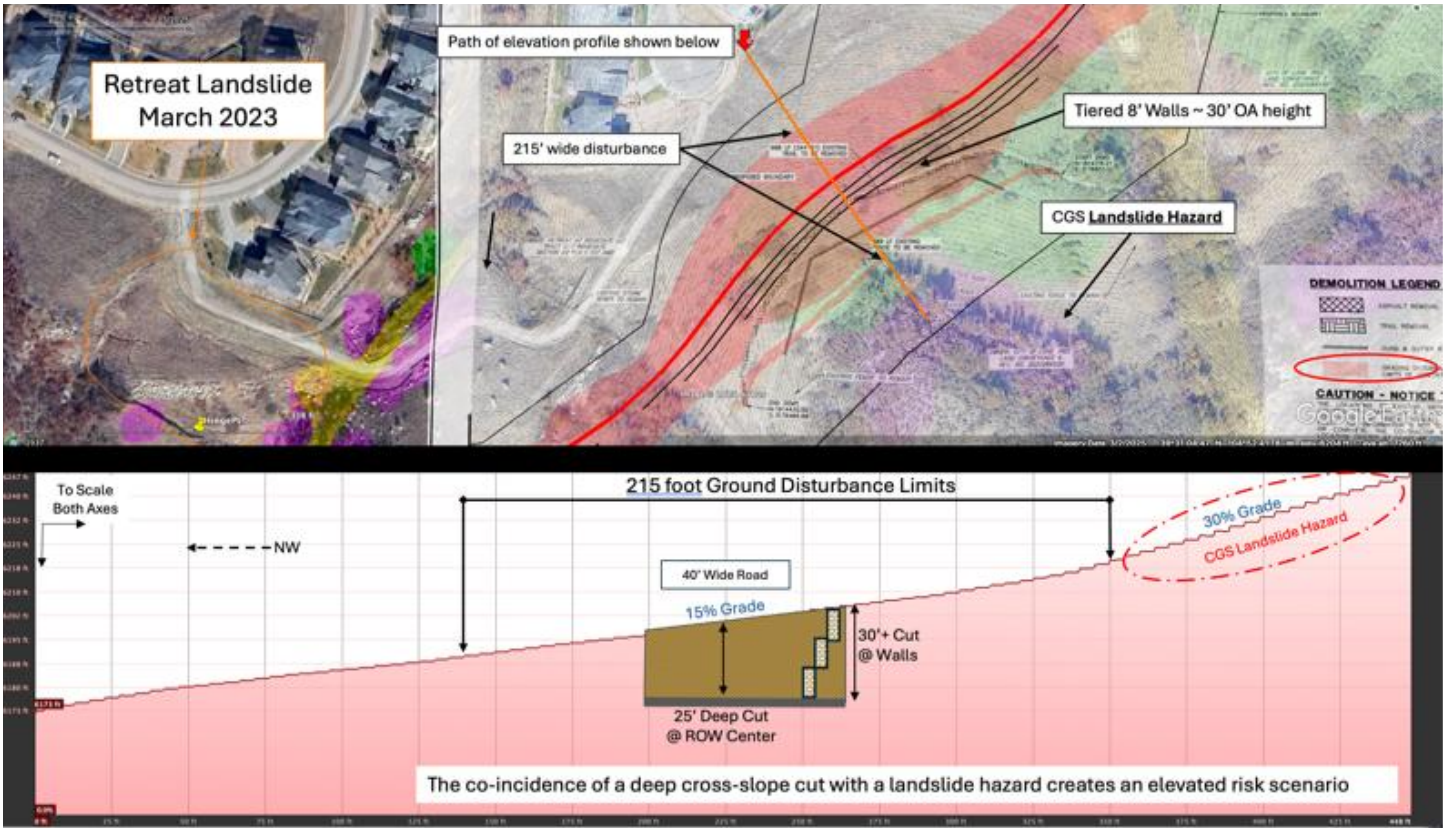

Figure 4 – Tranverse Elevation Profile - Proposed Hillcamp Trail Alignment

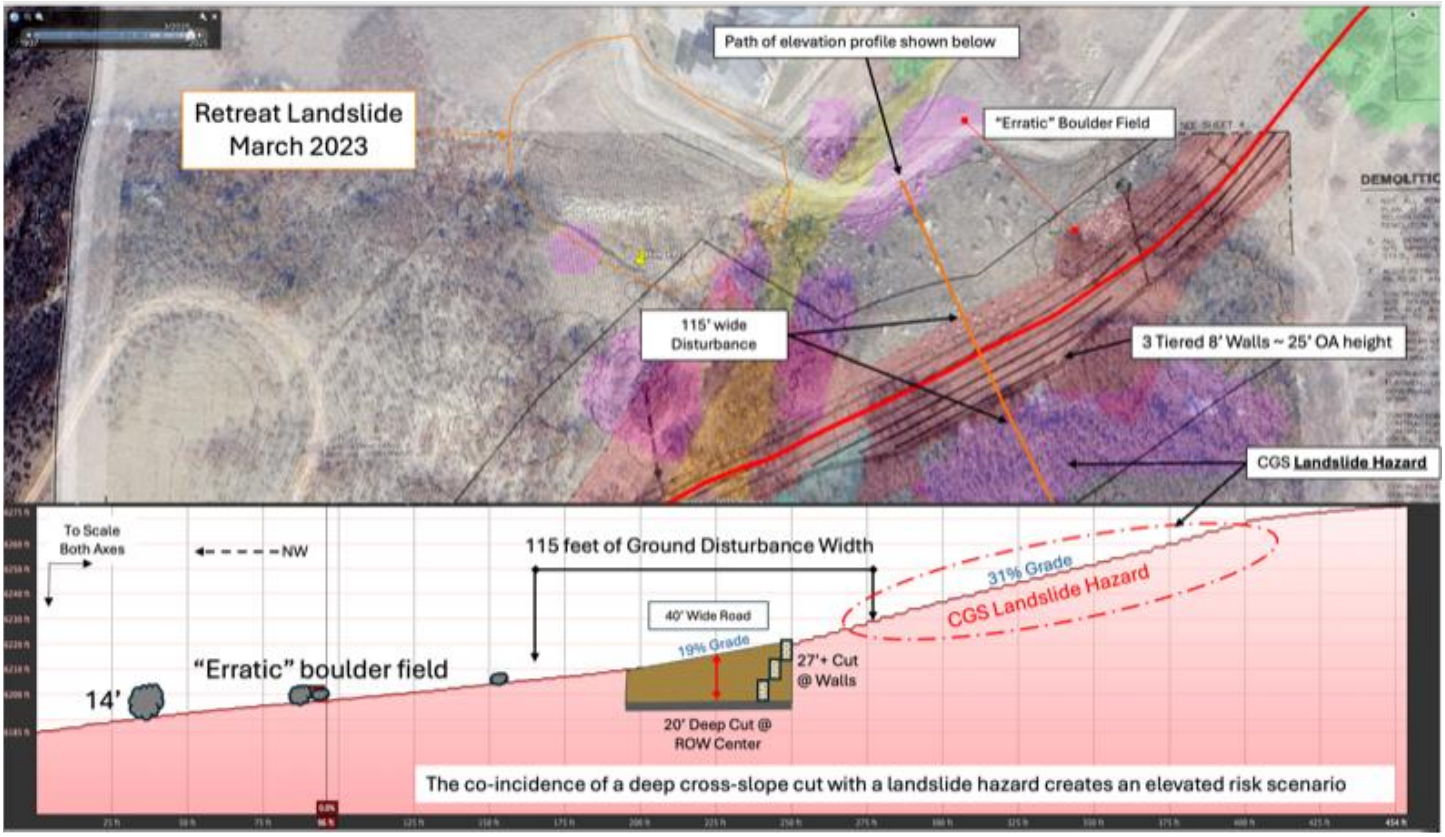

Figure 5 – Transverse Elevation Profile – Proposed Hillcamp Trail Alignment

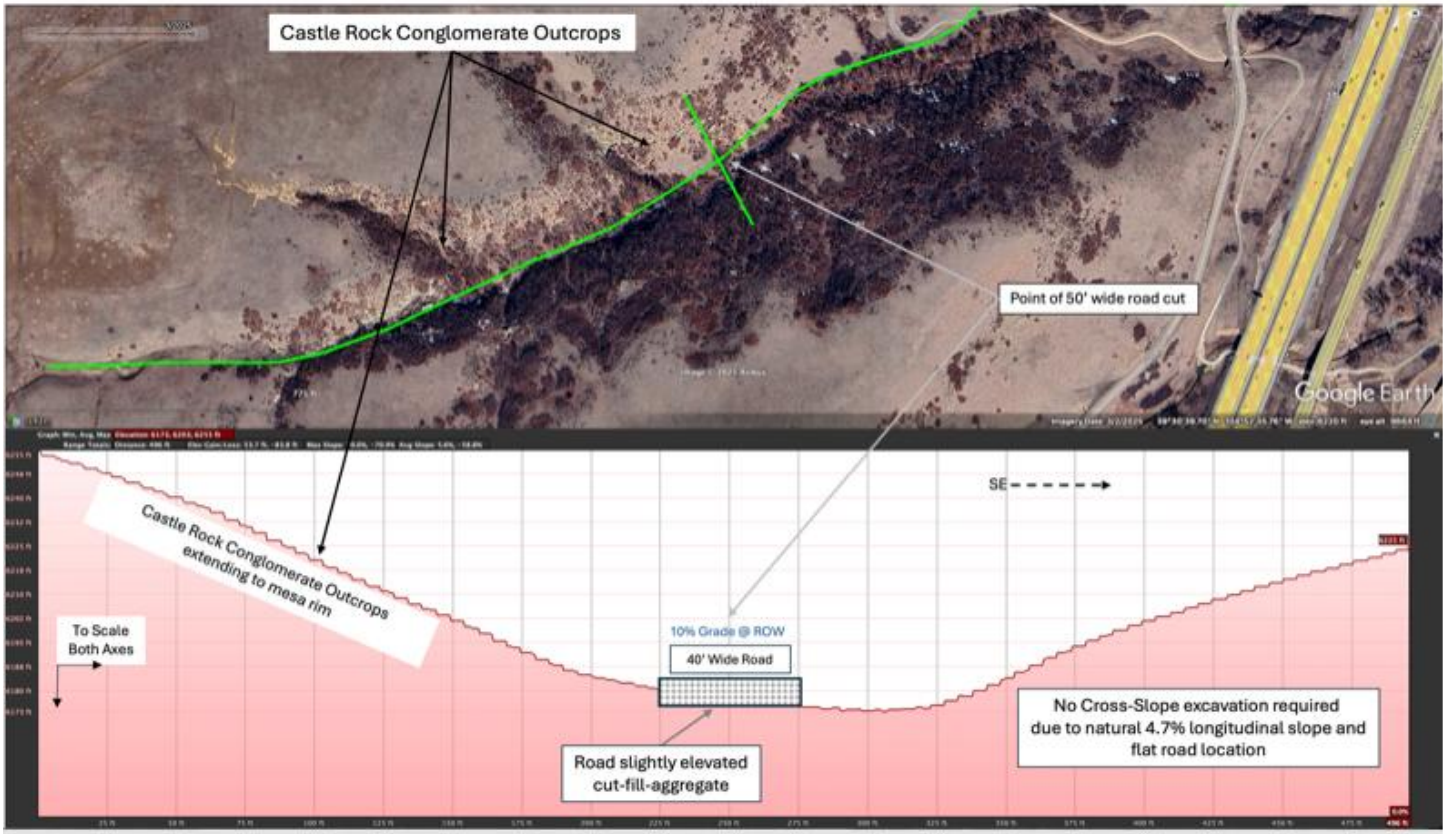

Figure 6 - Transverse Elevation Profile – Proposed Alt 7 Alignment

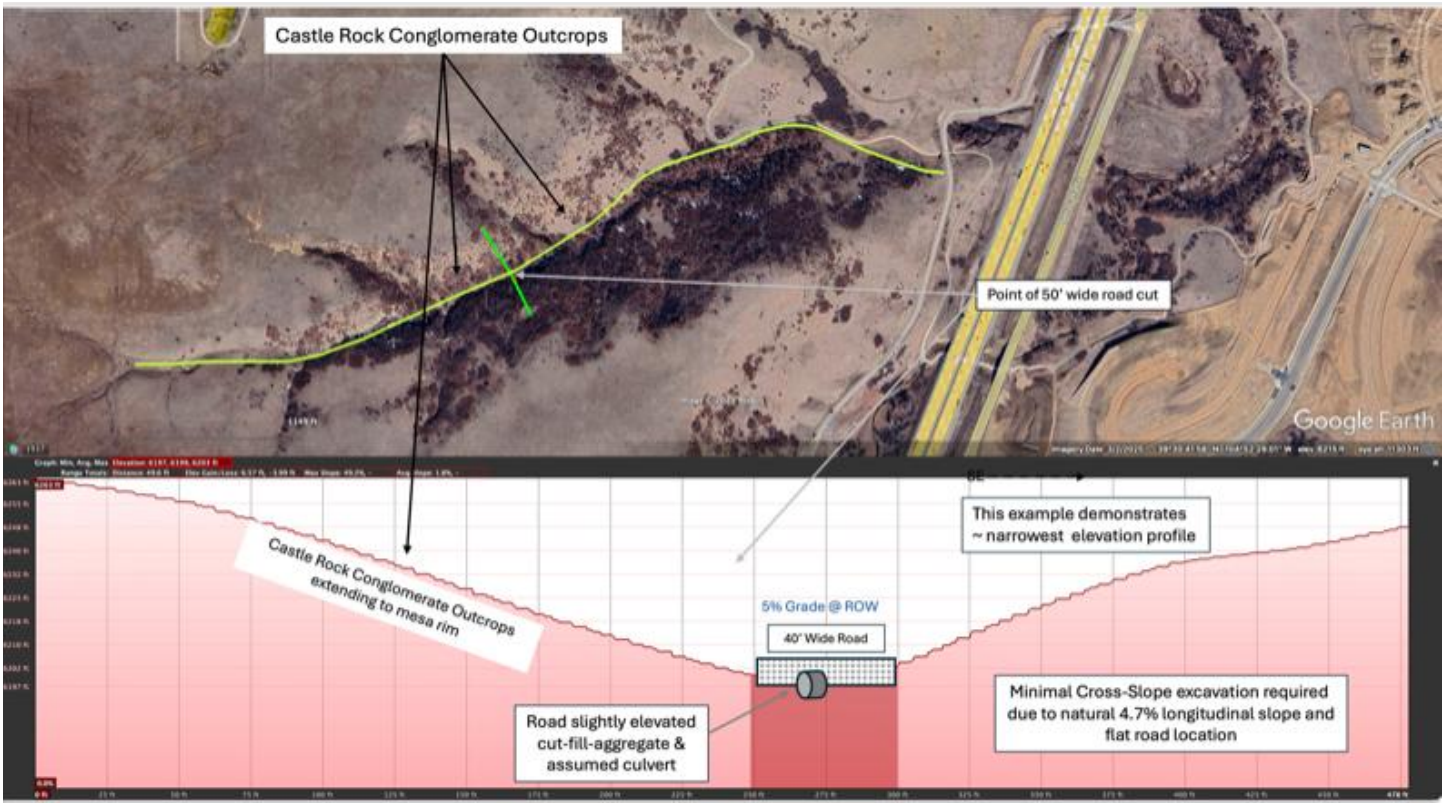

Figure 7 – Transverse Elevation Profile – Proposed Alt 7 Alignment

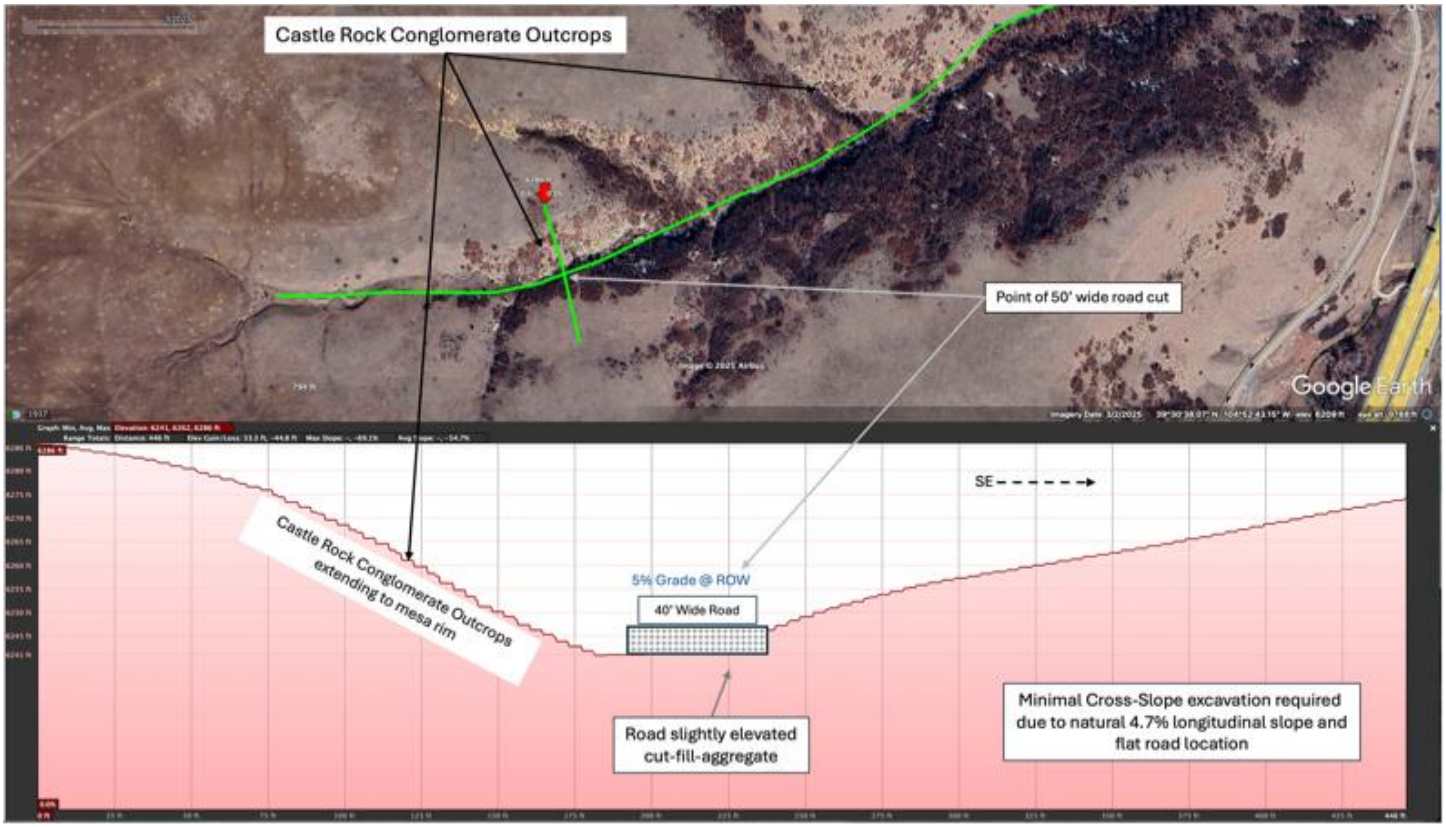

Figure 8 – Transverse Elevation Profile – Proposed Alt 7 Alignment

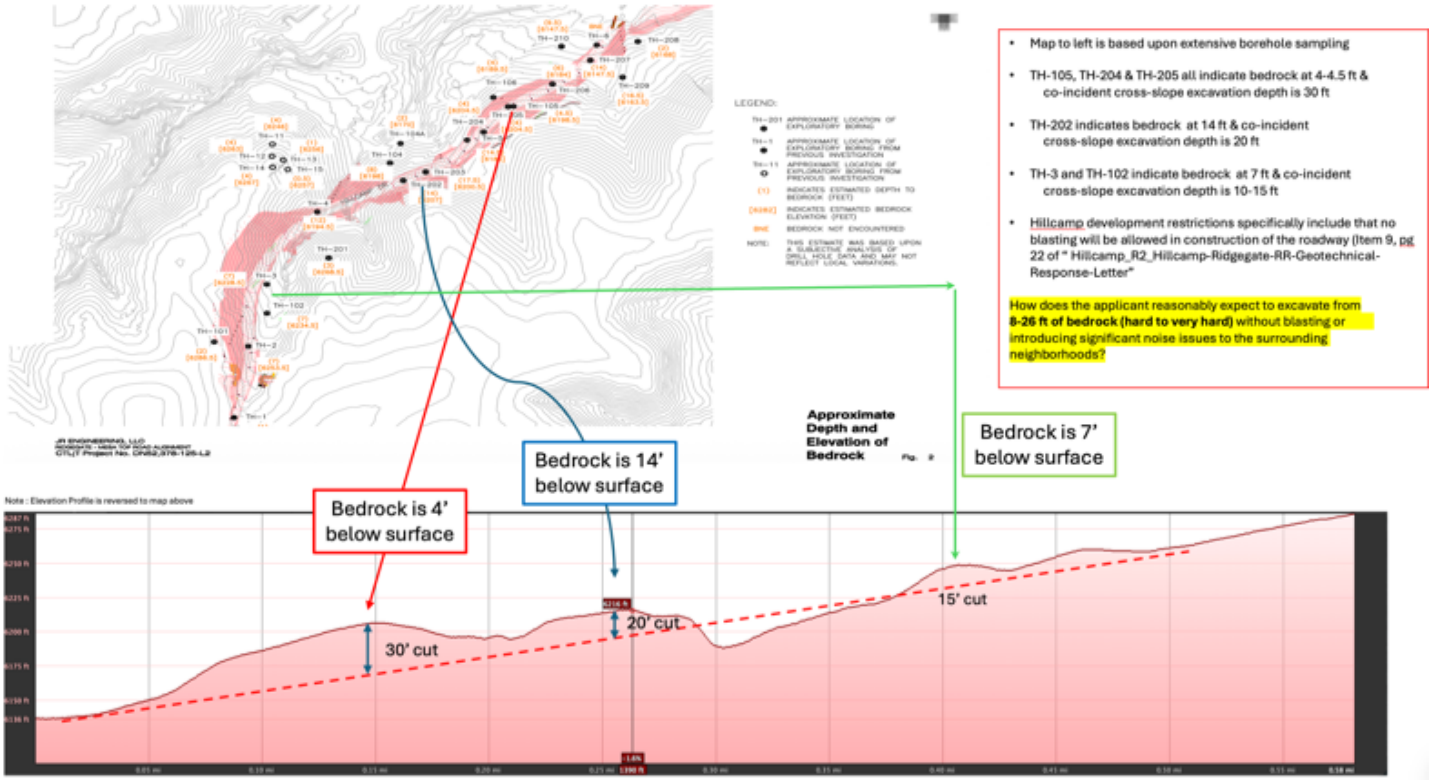

Figure 9 – Depth to Bedrock – Proposed Hillcamp Trail Alignment

Comparative Terrain and Excavation Assessment

Proposed Hillcamp Trail Alignment vs. Road "A" / Alt 7

Submitted May 26, 2026 in reference to SB25-0014

1. Executive Summary

This document provides a comparative terrain and excavation assessment of the currently proposed Hillcamp Trail roadway alignment relative to the alternative Road "A" / Alt 7 alignment. The assessment is based upon developer roadway alignment exhibits, Google Earth-derived terrain profiles, transverse and longitudinal roadway sections, geologic hazard mapping, and comparative excavation geometry developed from the available project documents.

The analysis suggests that the currently proposed Hillcamp Trail alignment (see Figure 1) will require substantially greater terrain disturbance and cross-slope excavation than the alternative Road "A" / Alt 7 alignment (see Figures 2 and 3). The proposed Hillcamp Trail route appears to traverse steeper natural hillsides, requiring deep bench-style excavation within or adjacent to mapped geologic hazard areas and drainage crossings. Soil borings further indicate that several sections of the proposed alignment would require removal of up to 26 feet of "hard to very hard sandstone" in order to maintain the design grade.

By contrast, the Road "A" / Alt 7 alignment (see Figures 2 and 3)appears to more naturally conform to the existing terrain geometry, resulting in reduced excavation depth and reduced hillside modification.

The primary concern raised by this assessment is not merely roadway grade, but rather the magnitude of hillside alteration required to achieve roadway construction within geologically sensitive terrain. The construction documents support this assertion indicating some 114,000 cu yds of excavation would be required for the proposed alignment. Ground disturbance swaths of up to 215 ft are indicated for the proposed alignment.

2. Existing Terrain Conditions

The Hillcamp site occupies steep bluff terrain adjacent to the mesa top west of Interstate 25. The terrain is characterized by steep natural cross-slopes, deeply incised drainage features, mapped landslide hazard areas, localized seepage potential, and variable surficial soils overlying claystone and sandstone units.

Colorado Geological Survey (CGS) mapping and project geotechnical documents indicate the presence of landslide deposits, slope instability concerns, debris-flow susceptibility, and groundwater-related slope sensitivity in portions of the project area. The CGS referral letter(s) pertaining to the proposed alignment cited and emphasized the potential for slope failure in a designated landslide hazard.

The mesa top itself appears to be underlain by shallow soils over competent Castle Rock Conglomerate caprock, while the bluff slopes below contain substantially more complex and variable hillside conditions.

3. Hillcamp Trail Alignment — Terrain and Excavation Characteristics

The proposed Hillcamp Trail alignment (see Figure 1) ascends the bluff face from approximately Elevation 6,137 ft to Elevation 6,287 ft at the mesa crest. Construction of a substantial pedestrian bridge is required at the crest of the mesa to accommodate pedestrian traffic on the E-W Trail. In addition, an at grade crossing in this area will be required to accommodate equestrian traffic on the E-W Trail. Equestrian and automobile traffic interaction is an elevated risk scenario pertaining to this alignment.

Longitudinal profile analysis suggests design roadway grades of 6%, substantial hillside penetration, and localized roadway cuts approaching approximately 30 feet in depth. Approximately the last 1000 ft of the proposed alignment traverses an untouched primary watershed canyon of Little Cottonwood Creek.

The roadway geometry appears to require excavation directly into the natural hillside (see Figures 4 and 5) for significant portions of the alignment. Cross-slope excavation into these hillsides can only be considered a risk aggravating factor in a geo-technically risky area. An adjacent hillside in Tract C, some 150 ft north of the proposed roadway, experienced a significant slope failure in March 2023. This slope failure provides relevant near-term basis for either natural or excavation induced risk aggravation along the proposed alignment.

The proposed alignment passes directly through and crosses the Little Cottonwood Creek drainage (see Figure 1). The elevation profiles in this area show some 25 ft of elevation drop in a very complex multi drainage confluence area. This area is directly adjacent to the Tract C hillside that experienced slope failure in March 2023. Steep adjacent hillsides and CGS mapped landslide hazards surround this technically challenging crossing. Once again, geo-technical risk can be considered elevated in this area.

Figure 5 clearly shows an excavation exposed boulder field along the proposed alignment. Visual inspection of nearby hillsides along I-25 support and clarify the existence of boulder fields consisting of eroded blocks of Castle Rock Conglomerate being common along the flanks of the bluffs. The potential for encountering buried erratic boulders (see Figure 5) of documented size of near 15 feet along the proposed alignment further complicates the excavation feasibility.

The coincidence of steep transverse slopes, deep roadway cuts, and mapped geologic hazard terrain represents an elevated geotechnical concern.

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The alternative Road “A” / Alt 7 alignment (see Figures 2 and 3) appears substantially more terrain-conforming than the currently proposed Hillcamp Trail alignment.

Available roadway information suggests a flatter sustained roadway grade, reduced cross-slope excavation, reduced hillside penetration, and less intrusive terrain modification overall.

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May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

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May 26, 2026

City of Lone Tree
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9220 Kimmer Drive, Suite 100
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Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp/Southridge Preserve development (the **"Project"**) as a concerned resident of the Surrey Ridge community and land use attorney. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-

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304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.

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- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

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B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum

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unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does

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> not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*

> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–

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> 5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can*

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> *be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL│Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*
>
> *"Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*
>
> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these

conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

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IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife

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mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated 3,136 Average Daily Trips from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, *the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for 400 vehicles daily* and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval

of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge

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is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of

the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality

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redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded*

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due process, the county does not retain unfettered discretion." The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City

must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–

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August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common*

> *areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Commission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

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> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

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8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Regards,

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cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree

Community Development Department

9220 Kimmer Drive, Suite 100

Lone Tree, CO 80124

Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014)

Dear Members of the Planning Commission and City Council:

I am writing as a resident of 9019 N. Corral Ln in Surrey Ridge regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below.

First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record.

I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go.

The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025

landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.

What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting.

Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies. The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here.

The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk.

Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level.

The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change.

I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard.

Sincerely,

James & Sara Ball

9019 N. Corral Ln

Castle Rock, CO 80108

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistently with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105 (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 43-1-106 / C.R.S.A. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which requires every planned unit development to be evaluated against, and to be consistent with the standards and conditions set forth in the adopting resolution or ordinance, and under *Friends of the Black Forest Preservation Plan, Inc. v. Board of County Commissioners of El Paso County*, 2016 COA 54, 381 P.3d 396, which vacated a land-use approval under C.R.C.P. 106(a)(4) where the record

fails to support the approval criteria. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-304 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the §29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as ability to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. §29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On *April 21, 2026, the* Lone Tree City Council adopted the Colorado Wildfire Resiliency Code on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103, a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under §302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the §302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR §403 / §404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3100+ cars onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It will also cause near certain deaths if a fire emergency were to occur. The developer's argument that an access to Surrey Ridge would protect those residents, is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before

> approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. §29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC §403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC §D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway.*

> *Because of this elevation difference, a public roadway connection is infeasible at this location." — Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC §403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR §403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC §404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt,*

slate, and concrete tiles" and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan. The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and The Retreat at Ridgegate's own

pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL | Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside (subject of Southgate Water v. Century Communities), the record cannot support a competent finding under C.R.S. §30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability

> review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104 authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY — CEILING, NOT ENTITLEMENT (C.R.S. § 24-67-105)

C.R.S. § 24-67-105 establishes maximum PDD density as a *ceiling* and grants the City *"wide discretion to negotiate all aspects."* The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks entirely from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating maximum PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder, 927 P.2d 1339, 1348 (Colo. 1996),* the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (Church and adjacent neighborhoods

including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear we will be trapped as we are occasionally in the mornings when we try to drive our children to school, and were as recently as on May 15, 2026, watching cars wandering our interior streets backed up all the way to the interior of our neighborhood hoping to navigate around standstill traffic. The Colorado Supreme Court in *Board of County Commissioners of Routt County v. O'Dell*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs*, it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 implicates the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County *Public Works* consent.

Two additional property-rights instruments narrow the record further. First, the recorded 1999 "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract, not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-*

sized) would be able to go across the bridge for maintenance and snow removal." That is not related to the EVA nor consent, narrow in scope, from the wrong department, only for F-350 maintenance access to the pedestrian bridge. It is not consent under § 43-1-106 for County-road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Parks & Rec's narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat HOA. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. ... the Project was redesigned to provide water quality in an alternative manner. ... construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under Lazy Dog Ranch; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Surrey Ridge Drive, the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. Colo. Rev. Stat. Ann. § 30-28-106(1). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), in part, that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/ day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Orten Cavanagh referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL │ Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone … is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the

> procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under Lazy Dog Ranch; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that, the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comment received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat HOA, and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge HOA, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Colorado Rules of Civil Procedure (C.R.C.P.) 106(a)(4)*, an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address.

XII. REQUIRED NOTICE NOT PROVIDED

In the City of Lone Tree, a Planned Development District (PDD) amendment is treated as a rezoning application as a PDD functions as its own localized zoning designation, any amendment to it changes the underlying regulations and requires the same formal public review process as a standard rezoning. Sec. 16-15-20. Further, Lone Tree City Zoning Code requires public notice be provided to adjacent landowners within two hundred (200) feet of the land proposed for zoning or rezoning within fifteen (15) days prior to the Planning Commission hearing, and again the same timeframe prior to the City Council Hearing. Sec. 16-15-80. The Surrey Ridge community has not received any formal notice of the adjacent development as of the second referral submission. It seems the City's land use code inherently deprives its residents (and those in neighboring unincorporated lots), of due process and the opportunity to participate with meaningful project review and response in writing prior to Planning Commission review when a project is in stages when feedback can be incorporated during project design without incurring more expensive and difficult changes. The City and developer would have been well served to engage adjacent communities from the onset instead of when the project has already generated voluminous documents to support four applications, and is at the late stage of construction documents.

The notice issue here runs on two parallel tracks across the four-application package, with different natural objectors:

Track A — SB25-0014 (Hillcamp Trail Final Plat)

Adjacent owners to the Hillcamp Drive / Hillcamp Trail alignment include The Retreat at RidgeGate (within Lone Tree city limits), Douglas County parcels along or near the proposed alignment, the McArthur Ranch parcels associated with the EVA access, and parcels along the retaining-wall corridor.

Track B — SB25-0009 and SB25-0010 (Preliminary Plans)

Surrey Ridge is geographically adjacent to the Preliminary Plan area governed by SB25-0009 and SB25-0010 - not to the road plat itself. Surrey Ridge owners did not receive individualized mailed notice for those Preliminary Plan applications. Surrey Ridge is the natural objector on those applications and preserves this defect on the record. The road plat (SB25-0014) exists to serve the development approved under SB25-0009 / SB25-0010; if the Preliminary Plan approvals are voidable for defective notice, the road serves no lawful purpose. The City cannot lawfully advance the road segment as if the procedural defects on the related applications it serves do not exist.

> **Finding Requested.** On Track A: the developer should produce, on the record, an affidavit of mailed notice for SB25-0014, with each adjacent owner served (including unincorporated-County owners), with addresses and dates of service. On Track B: the developer should produce the same affidavit for SB25-0009 and SB25-0010, with particular attention to individualized notice to Surrey Ridge owners in unincorporated Douglas County. Any deficiency on either track should be cured by providing adjacent landowners with sufficient notice to engage the referral process before that closes and goes to the Planning Commission for recommendation. Surrey Ridge preserves this Track-B objection on the present record.

XIII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).

5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

James Riner

9902 N Heather Drive

Castle Rock, CO 80108

303-884-8903 , Jim@WetzelAviation.com

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).



ELK STANDING ON HEATHER DR, MAY 20, 2026. WALKING IN THE ROAD FOR 1 HOUR

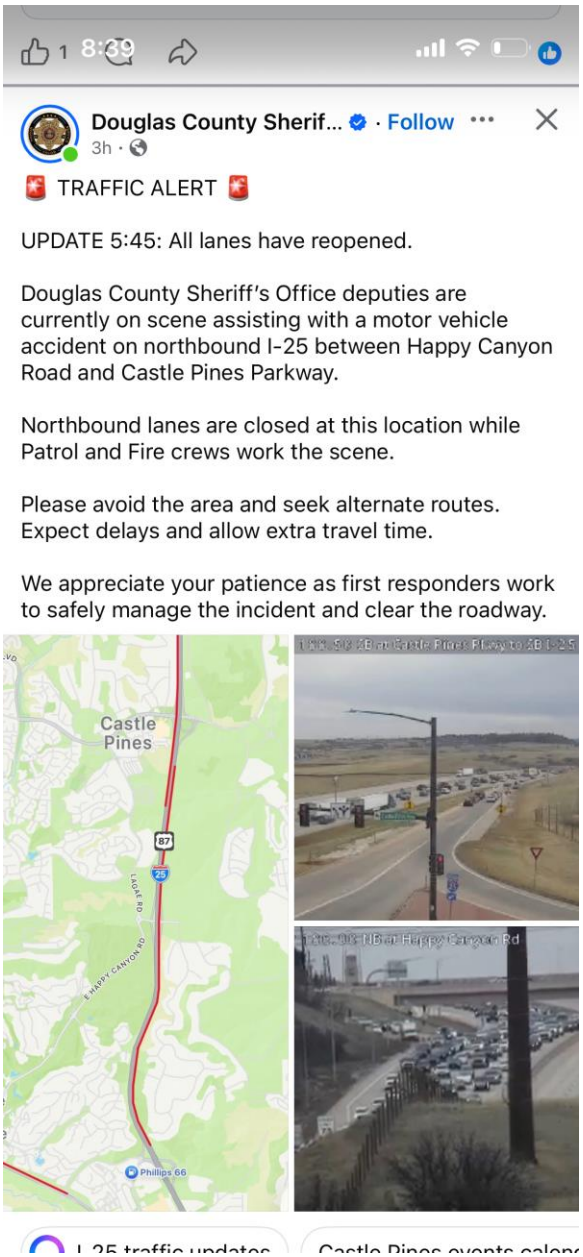


SURREY RIDGE EQUESTRIAN COMMUNITY – NO PLACE FOR HILLCAMP TRAFFIC

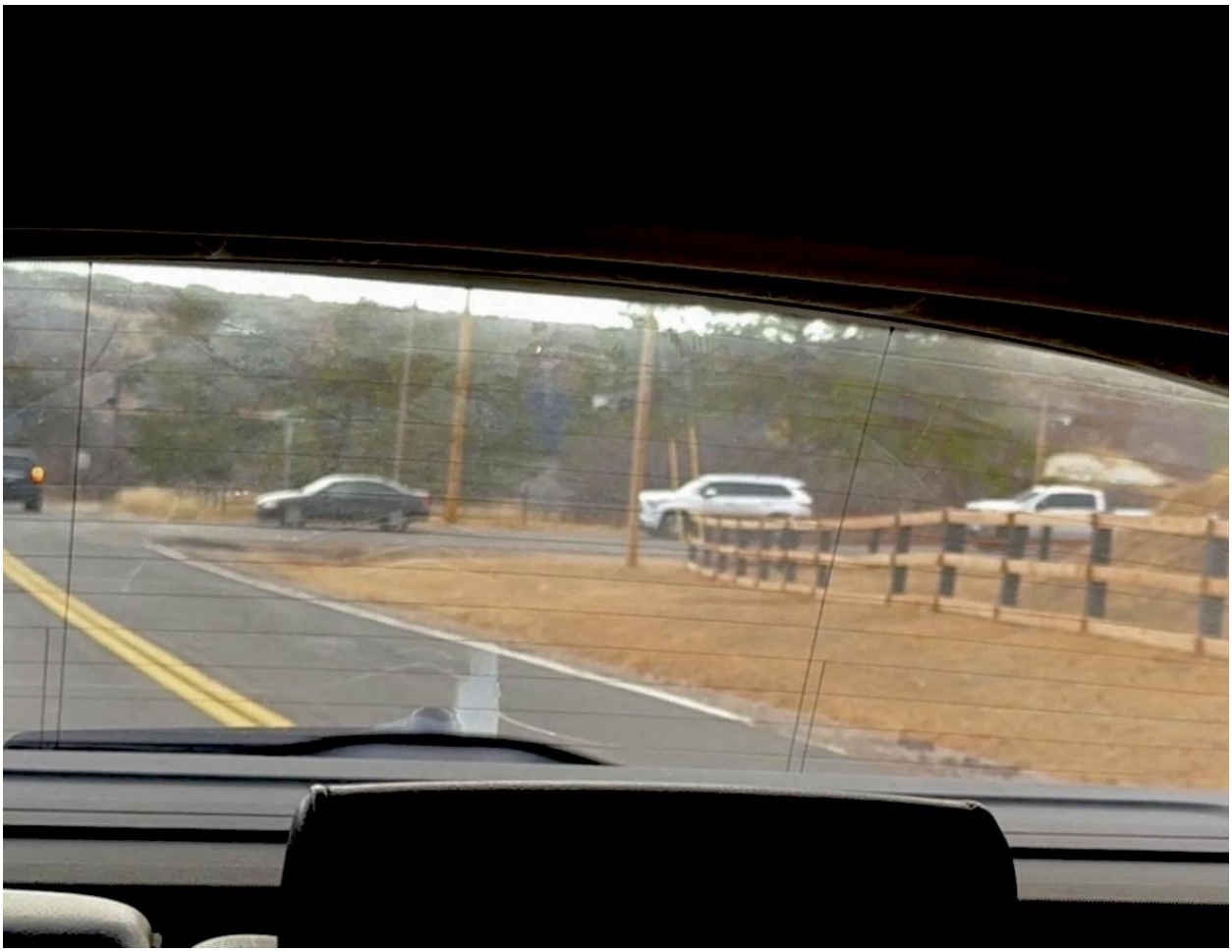


HORSES AND PEDESTRIANS ON N HEATHER DRIVE – NOT FOR HILLCAMP TRAFFIC





TAKE A LOOK AT THE TRAFFIC AND DOUGLAS COUNTY SHERIFF RECOMMENDATION TO: PLEASE AVOID THE AREA AND SEEK ALTERNATE ROUTES.
SURREY RIDGE WILL BE A CUTTHROUGH NEIGHBORHOOD TO HILLCAMP.



RECENT BACKED UP CUT THROUGH TRAFFIC ON CLYDESDALE ROAD, SURREY RIDGE TURNING NORTH ON TO SURREY DRIVE DUE TO I-25 CONGESTION. THESE CARS WERE ALL EXITING HAVANA TO CLYDESDALE IN ORDER TO BYPASS HAVANA BACKUPS TOO. ALL OF THIS TRAFFIC THEN ENDS UP BACKED UP AT THE ONE LANE UNDERPASS. THIS IS A NON-EMERGENCY SITUATION THAT RESTRICTS FLOW FOR SURREY RIDGE RESIDENTS. CONSIDER THE IMPLICATIONS IF HILLCAMP TRAFFIC IS ALLOWED TO HAVE ACCESS TO SURREY RIDGE AND AN EVACUATION EMERGENCY EXISTS. THIS IS DANGEROUS.

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Chuck Darnell

From: janet telitz <janettelitz@myctl.net>
Sent: Tuesday, May 26, 2026 10:06 AM
To: Chuck Darnell; janettelitz@myctl.net
Subject: Letter to City Council and Planning Commission Hillcamp



May 26, 2026

City of Lone Tree
Community Development Department
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014)

Dear Members of the Planning Commission and City Council:

I am writing as a resident of long term resident of Castle Pines and real estate agent selling the area for over 25 years regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below.

First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record.

As a long-term real estate agent selling the area and Douglas County, this location is already saturated with surrounding new construction. The local real estate market is flooded with inventory both resale and new construction. This location does not need another 343 homes. Currently, this area already has an oversupply of homes and lack of demand for high density housing. I don't see this as a desirable area for buyers to purchase. I find the location to be the exact opposite in terms of desirability for buyers due to location, wind, traffic pollutants and noise from traffic, hospital flight noise as well as noise from Centennial airport flights.

As someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road.

The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go.

The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.

What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it A mesa top is not a suburb in waiting.

Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies. The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here.

The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to carry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk.

Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level.

The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change.

I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard.

Kind Regards,
Janet Telitz
Berkshire Hathaway Rocky Mountain Realtors
303-909-3369
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May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

FR: Jeffrey Reinman, Owner and Operator: Summit Valet Parking

TO: Chuck Darnell, Senior Planning Planner

City of Lone Tree, Lone Tree, Colorado

RE: Support for Hillcamp Development

Dear Mr. Darnell,

I own and operate Summit Valet Parking. We run valet for several Lone Tree establishments such as Park Meadows, Perry's Steak House, Fogo de Chao, Edo Higan Sushi and White Chocolate Grill, as well as, the new Jack's Modern Steak House. I am an entrepreneur that started my business in Lone Tree with Park Meadows, and with this strong base my business has grown all across the Denver Metro Area. Our team prides ourselves on the personal relationships we build with many of our clients, and ensuring the high level of service matches the high level of clientele we encounter in Lone Tree.

I am writing to express our strong support for continued quality development and thoughtful population growth within the City of Lone Tree, such as the Hillcamp development. Lone Tree has distinguished itself as a community that balances economic vitality with livability, thoughtful planning, and long-term vision. This success is no accident. It reflects the consistent dedication of city staff, the careful stewardship of its planning professionals.

I would like to specifically recognize the exceptional work of the planning department and city staff. Equally important is the steadfast leadership of the City of Lone Tree over the years. I've got to personally know many of the City staff and the last three mayors well. It has always been a point of pride to work alongside them closely.

The commitment to strategic, forward-thinking decisions has positioned Lone Tree as one of the most desirable places to live and work in the region. I see this personally with the type of resident that chooses to call Lone Tree home.

I believe that well-planned, high-quality development with Hillcamp continues appropriate population growth that will further strengthen the City's economic base, support local businesses, and contribute to a vibrant and sustainable community.

We appreciate your continued efforts and leadership in shaping the future of Lone Tree and encourage the City to approve Hillcamp to remain committed to the principles that have brought Lone Tree success thus far.

Thank you for your time and consideration.

Sincerely,

Jeffrey Reinman – Summit Valet Parking
8401 Park Meadows Dr Drive
Lone Tree, Co 80124

Hello,

I would like to submit my concerns as a resident of The Retreat at RidgeGate, where the developer would like to place an access road (Hillcamp Drive) through one entire side of our cherished open space. We are a small, close-knit community that looks out for each other, the land surrounding us, and the wildlife that lives here. I would request that the city please take the proper precautions to truly evaluate the impact of this road. Please consider the following:

- Our neighborhood is surrounded by bluffs. One of which was impacted by a landslide in May 2024. We witnessed this bluff deteriorate and encroach upon my neighbor's home two doors away. Water infrastructure failed and we witnessed what can only be described as a river running through my neighbor's yard and into Cottonwood Creek. The remediation of this issue a year later was astonishing. More than 100 trucks per day, hauling dirt away for at least a week. Machinery reshaping the hillside for another 2 weeks. Water infrastructure has not yet been re-established. We still do not have fire hydrants functioning at 100% during the dryest winter we have experienced in a very long time. Please consider current litigation due to this landslide and do not place a road here without consideration of what caused the hill to slide. In my opinion, it would be incredibly negligent to place a road adjacent to a failed hillside without understanding the cause.

- This road is going to run right next to this reconstructed hillside, on top of land that has proven to be susceptible to landslides. The road is going to run on top of a bluff adjacent to the failed hillside, which has many large boulders. Please consider the impact of a road at the top of this hill. Please consider potential risks to public safety as countless people recreate on the dirt road directly below. What kind of impact will this road have on the stability of said boulders? This is a danger not only to pedestrians, but also to several homes. Please consider the propensity of unstable land, proven by the neighboring hillside. Please consider public safety.

- Please consider the inevitable noise that the residents of The Retreat will experience for YEARS. I am very concerned about noise levels from road construction for 200+ days, along with Hillcamp construction noise for goodness knows how many years. Noise moves differently here. It is like a football stadium – magnified, echoing and does not filter out easily. Has there been a proper noise analysis completed for this project? Why does our community have to suffer from noise pollution for years? The city should have allegiance to existing residents before considering such a project. Please consider other options that we know are available that have ZERO impact on existing homes/residents.

- Please consider the traffic that our neighborhood, Montecito, patrons of Sierra, Living Spaces, Cabela's and the Marriot Residences will have to endure at the expense of Hillcamp. Why is this road the only planned entrance? The existing roads are not sufficient to handle this additional traffic. What happens if I-25 closes and traffic is routed through Lone Tree, coupled with wildfire and we ALL need to evacuate? Cabela Drive and RidgeGate Parkway cannot handle this traffic. How does this impact the Hospital and emergency vehicles entering the Hospital campus? This road feels very poorly planned and does not provide safe infrastructure for the residents and visitors of Lone Tree.

- It has been quoted that this road has the least impact on wildlife. This is utterly ridiculous. The amount of wildlife I have witnessed migrating on the exact path of the road happens every day. Elk, deer, bear, coyote, porcupines, bobcats - you name it, I have seen it. This is an absolute joke. This road is directly in the path of wildlife movement.

- Please consider the potential risk that this road has in our residents' ability to secure homeowners insurance. This road will have a direct impact on land stability and will increase fire risk. This will also impact our Homeowner Association's ability to secure insurance for our community, which has already become prohibitively expensive.

- Where and how is the water from the Hillcamp neighborhood and road going to drain? Into our bluffs and our neighborhood below? How will this impact the land that has been proven to be susceptible to landslide? Please consider the safety of our neighborhood.

- Please consider increased fire risk to our community because of this road extension and development. Homes, businesses, hospitals and numerous medical facilities are at risk. We live in a dry tinder box with extreme wind conditions. If there is a fire up top due to construction or a spark caused on Hillcamp Drive, it will run downhill quickly. How exactly does a single access point to this large development address the risk of timely fire evacuation for the residents and visitors of Lone Tree?

Thank you for your time. I appreciate the opportunity to comment on this matter.

May 26, 2026

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City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Via: Online Submittal

Re: Referral-Period Comments Regarding Hillcamp/Southridge Preserve—Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a long-time resident of the Surrey Ridge community, and as an attorney who has been involved in numerous encounters regarding Surrey Ridge and its juxtaposition to I-25. There have been numerous attempts in the 42 years that my wife and I chose the equestrian community of Surrey Ridge to raise our family.

All of those previous attempts to come through our community in the name of progress, better access to the highway, etc., have failed, primarily due to the overriding concern for the public health, safety, and welfare of the residents (including children and animals) of our community and Surrey Ridge Estates. That concern should still be paramount in your consideration of the Resubmittal 2 packet for the Hillcamp/Southridge Preserve development. However, numerous other legal arguments must be considered to support your decision in denying approval for the development of the Project. The purpose of this letter is to summarize the arguments and respectfully request that the Planning Commission and the City Council deny the developer's resubmittal for the Project.

The simplest approach would be to accept the arguments presented by the law firm of Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026, and submitted for your review. My intent is simply to reiterate key points from a legal perspective that the Planning Commission and City Council must address prior to any approval of the Project. Surrey Ridge, since its inception as an equestrian community in the late 1960's, has vigorously opposed any plans to bring increased traffic through the neighborhood. The most prominent example of this is when CDOT, during the T-Rex expansion of I-25, agreed not to extend Clydesdale Road to the north to Ridgegate or to the south to Castle Pines Parkway in an effort to create a new frontage road on the west side of I-25. Safety was the primary concern, along with avoiding overburdening a community where horses, bicyclists, and children are on the streets of Surrey Ridge and Surrey Ridge Estates daily. CDOT was even concerned about the T-Rex expansion to the point of building, as best they could, sound barriers for our community. The developer on the Project has not once offered to attend any of Surrey Ridge's open community meetings to learn about and address its residents' concerns. That fact alone is disheartening!

There is already considerable expansion and growth at the intersection of Havana Road and Ridgegate. That expansion alone needs to be considered when evaluating the developer's proposal for ingress and egress from the Project, which utilizes N. Heather Drive and directs traffic to proceed through the communities of Surrey Ridge and Surrey Ridge Estates. It appears that the developer's argument is that they are seeking only an "emergency" exit. However, the argument seems disingenuous due to what would be considered an emergency for the residents in the Project would actually create a catastrophe and greater risk to the residents of Surrey Ridge and Surrey Ridge Estates in light of trying to move horses and trailers out of the community with limited ability to do so since the exits are limited to one single lane tunnel and an exit in front of the Journey Church that will place traffic on an already congested Havana Road.

Our community has already been tested because drivers today use their phones and GPS guidance to find an alternate route around congested southbound and northbound traffic on I-25. An appropriate solution has not been found other than the county's desire to slow traffic down by posting marked and unmarked cars on our roadways to ticket speeders. We still get bumper-to-bumper traffic on Clydesdale, not realizing that at either end, when they exit back onto Havana, they will still have to wait until they reach Ridgegate or Castle Pines Parkway. Instead of further development in an already overcrowded area, the focus should be on improving mass transit and promoting better health, safety, and welfare for the citizenry of Douglas County, Colorado. The developer has chosen an exit strategy for what is claimed to be an "emergency" exit only, without fully investigating the total impact it would have on Surrey Ridge and Surrey Ridge Estates.[1]

In adopting the arguments presented by the law firm of Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026, the following points are worthy of reiterating again in hopes of demonstrating that the developer of the Project is not fully responding to the City of Lone Tree's past concerns and comments, not to mention those brought forth by the Coalition for the Preservation of Surrey Ridge.

1. The Colorado Wildfire Resiliency Code ("CWRC"), effective July 1, 2026, (already adopted by the City of Lone Tree) cannot be satisfied nor shown by the developer as plans to satisfy such in compliance with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). This concern is of paramount importance in the surrounding communities and the fire hazards identified by the South Metro District.

2. NO adequate water supply finding since the developer's plan does not demonstrate water availability, dependability, and infrastructure capability. "This is mandatory, not discretionary."[2]

3. Lone Tree's adoption of the CWRC on April 21, 2026, becomes a potential challenge if the City of Lone Tree's preliminary approval is internally inconsistent with the CWRC.

4. The City of Lone Tree must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record.

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[1] No reasonable traffic study has been performed through the communities of Surrey Ridge and Surrey Ridge Estates to determine what dangers there are and whether the roads would even accommodate the traffic that would need to evacuate the area in the event of an emergency, like a fire.

[2] Reference to the Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026, Page 2 of 19.

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5. The requirement of a two-fire-apparatus access road for developments exceeding 30 dwelling units is per IFC Appendix D § D107.1. No evidence has been presented by Douglas County planning to approve the use of its right-of-way that exists in Surrey Ridge and Surrey Ridge Estates.

6. The City of Lone Tree must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

7. The requirements for fire-apparatus access roads pursuant to CWRC § 403 have not been satisfied, thus requiring the preliminary plan to be redesigned and resubmitted with some of the developer's own admissions taken into consideration.

8. C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report.

9. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105) to be made by the City of Lone Tree.

10. Comprehensive Plan conformance required with findings. *See Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance.

11. The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. A new study needs to be conducted by the developer to fully explore the limitations posed by future use of the roads involved.

12. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).

13. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.

14. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing, rather than after the time for meaningful input has concluded, at Planning Commission or City Council hearings.

The above concerns are more fully explained in the arguments presented by the law firm of Orten Cavanagh Holmes & Hunt, LLC, dated May 26, 2026, and submitted for your review.

In short, numerous hurdles and findings must be addressed by the City of Lone Tree Planning Commission and the City Council before any consideration can be given to the developer's second resubmittal, presented on March 27, 2026. More importantly, the developer needs to address more of the city's previous comments and make a genuine effort to consider all the problems facing the proposed

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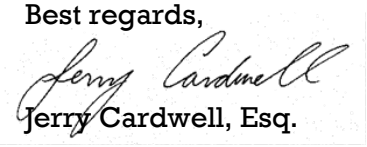
development, regardless of where ingress or egress for the future residents of Hillcamp/Southridge Preserve occurs. Instead, the developer chose to have an open forum in Lone Tree that was nothing more than telling the residents of Surrey Ridge and Surrey Ridge Estates that this development has been in the making for 20 plus years, and yet all of the deficiencies in findings and compliance with Colorado statutes have been ignored by the developer. The developer was not the least concerned about the appearance of arrogance in implying that little could be done at this stage.

The communities of Surrey Ridge and Surrey Ridge Estates are the closest you could probably find today to a throwback to the 1950s, where a real sense of community exists, and we continue to support and encourage the residents in our communities to stand up for what they believe is proper under the laws of the state of Colorado and the County of Douglas. Most importantly, to make certain that the state, the county, and the City of Lone Tree take into consideration the public health, safety, and welfare of the residents of Surrey Ridge and Surrey Ridge Estates, together with all other surrounding communities impacted by the developer's proposed Project.

Thank you for your consideration of this referral letter and the opportunity afforded to Surrey Ridge and Surrey Ridge Estates. If there are any further questions, please do not hesitate to give me a call.

Best regards,



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May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree

Community Development Department

9220 Kimmer Drive, Suite 100

Lone Tree, CO 80124

Re: Public Referral Comments — Hillcamp / Southridge Preserve (RG24-0007, SB25-0009, SB25-0010, SB25-0014)

Dear Members of the Planning Commission and City Council:

I am writing as a resident of Turf lane regarding the Hillcamp / Southridge Preserve resubmittal currently before the City. The proposed development would place 343 single-family homes on the landlocked mesa top above our community, served by rural roads and a single public collector. I oppose this application as written, for the reasons below.

First and most important: this site does not have an assured water supply. The developer's own off-site utility report admits the Zone 3 supply already has trouble balancing pressure during high demand — before adding 343 new homes. Neighbors who rely on private wells will feel the consequences. The City should not approve a development of this scale without a real water-adequacy determination on the record.

I am writing as someone who lives in a wildfire-prone area and knows what it means not to have a way out. The current proposal serves 343 homes with a single public collector road. The McArthur emergency access is acknowledged in the developer's own materials to be too steep to ever function as a true public road. The fire authority's February letter is conditional, not an unconditional approval. In a high-wind wildfire event, this neighborhood would have nowhere to go.

The Colorado Geological Survey, the State's geotechnical reviewer, formally found the developer's geotechnical record insufficient on January 30, 2026. The site is directly adjacent to a January 2025 landslide on the same hillside, which is currently the subject of litigation. The developer's own drainage engineer concedes that stormwater conveyance over these slopes would create unstable conditions. Permanent homes and a public road should not be approved on ground that has already failed once.

What is being proposed is not a quiet extension of a rural neighborhood. It is an urban village with an amenity center — 343 dense homes organized around a single arterial. That product type does not conform to the rural-residential zoning Lone Tree voters approved in 2000, and the rural Type III and IV roads serving this area were never built to carry it. A mesa top is not a suburb in waiting.

Lone Tree's Comprehensive Plan calls for infrastructure-first growth, natural-resource protection, neighborhood compatibility, and preservation of the rural character at the City's edge. This proposal contradicts every one of those policies. The City has previously denied an application on Comprehensive Plan grounds despite a staff recommendation of approval. The same analysis applies with even more force here.

The traffic numbers in this application are understated. The 343 new homes will put an estimated 1,000 additional vehicles and 3,136 daily trips onto rural roads never built to ycarry a development of this scale. The RidgeGate and I-25 interchange — which serves Sky Ridge Medical Center — is already projected to reach a failing level of service by 2028 without Hillcamp. On May 15, 2026 a fatal closure on I-25 between Happy Canyon and Castle Pines held residents on these arterials for over three hours. This is not a hypothetical risk.

Lone Tree just adopted the Colorado Wildfire Resiliency Code, effective July 1, 2026. It requires wider access roads, a real second way out, defensible space around homes, and ignition-resistant construction in wildfire-prone areas like this one. Because Hillcamp has not been approved yet, those rules apply. The current design does not meet them — at any level.

The Lone Tree bluffs are confirmed habitat for golden eagles, mule deer, burrowing owls, and an established prairie-dog colony, all of it set against the wetlands and pine forest at the edge of

our City. Once this land is paved, that habitat is gone. Open space is the part of Lone Tree most residents say they value most, and it is the part this proposal would most permanently change.

I respectfully urge the Planning Commission and City Council to deny or substantially condition this application until these concerns are addressed on the record. Thank you for the opportunity to be heard.

Sincerely,

Jon Saunders

300 E. Turf Lane

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

Dear Mr. Darnell,
We are writing as residents of The Retreat at RidgeGate to submit comment for the public record on the Hillcamp Drive Filing No. 1 application (SB25-0014).

We live at 10877 Bluffside Drive and have lived in The Retreat for four years. We have serious concerns about The Hillcamp Drive proposal. Not only will it remove the trail we use on a daily basis to exercise and walk our dog, but it will also compromise the beauty and safety of the hills and landscape that are just across the street from our home.

We respectfully ask the City to decline to advance this application on the current record.

Our specific concerns are below.

First and foremost, our home is just across the street from the fire road and the now notorious hillside failures from 2024. In fact, that hillside has already failed three times and this land (Tract C) is adjacent to where the proposed construction is supposed to take place.

These hillside failures directly impacted us for more than a year and half. Not only did we have water seep into our basement from the first water main break, but we had construction crews, heavy equipment, noise and an ugly landscape with construction tape and plastic fencing directly in front of our home throughout the nearly 1 ½ year process to rebuild the hillside. The repairs are still not finalized as you can read in a more detailed summary below.

The hillside immediately adjacent to the proposed Hillcamp Drive cut (approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill across 12.26 acres of disturbance, per GESC Report at 6, § 1-C) has a documented utility-failure history. Three water-line breaks occurred on Tract C in 2024 (March 30, May 5, and June 24) and triggered a $500,153 cost-shared hillside repair under the May 6, 2025 Cost Share Agreement between Century

Communities and the City of Lone Tree. The matter is in active litigation in Arapahoe County District Court (Case No. 2025CV30307, trial January 2027).

The permanent replacement waterline is still being designed by Burns and McDonnell and is not yet routed; its bid timing is gated by Shannon and Wilson's geotechnical analysis of Century's discovery production in the active litigation. The applicant's response to this concern is the statement that "it is unrealistic to assume that a utility failure would impact the integrity of the roadway." That answer is inconsistent with the documented record on the adjacent slope.

We ask that the City require, as a condition of any advancement, a finding that the timing and footprint of the Hillcamp construction does not interfere with the not-yet-routed permanent replacement waterline.

We also believe that the City is aware that the developer's proposed plan has never shown a road in the area where they (the developer) is now asking it to be placed. We are failing to understand logically and ethically how those plans can move forward.

Our second major concern is that the road is being placed where no PDD has ever shown one.

We are aware that the RidgeGate Planned Development District has been amended seven times since 2000. None of the seven amendments has ever depicted or designated an access point at the Cabela / Hillcamp end of the mesa-top arterial.

The Surrey Ridge end has been the consistently designated Main Access Road. The applicant's chosen alignment for SB25-0014 abandons the PDD-designated Surrey Ridge access and introduces new access at a location no PDD has ever contemplated, without any PDD amendment. The applicant's stated reason for abandoning the Surrey Ridge corridor is "environmental infeasibility," yet the applicant's own filings show that this same 343-home development plans to run a 12-inch water transmission main through that same Surrey Ridge / I-25 underpass corridor. Logically, a corridor that is

feasible for a water main is also feasible for a road.

We ask that the City require either:
(a) provide a PDD amendment with proper notice, or (b) a finding on the record explaining how this alignment is consistent with the seven existing PDD amendments.

A third concern of ours that we'd like on record is the very real disruption to the beautiful environment, peace and quiet of the community and access to a trail that we use every day and can see from our home and from most vantage points in the community.

Approximately 745 linear feet of existing trail directly adjacent to the proposed alignment will be removed, including approximately 445 linear feet at the Cabela / Viewside connector, with no temporary path provided during construction and no Retreat-side connector replacement proposed.

Construction noise from a 4,077-foot collector road and a multi-year subdivision build-out above will occur within 100 feet of existing Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route. The applicant has not provided a noise study and contends that none is required.

As residents who will live with both the construction phase and the long-term operational impact, we ask that the City require an independent noise study and a defined trail-continuity plan as conditions of any advancement.

For the reasons above, we respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record.

We are also aware that many other residents, City staff, the Colorado Geological Survey, and South Metro Fire Rescue have expressed concerns and deficiencies in the proposed plans. Those were detailed in referral comments that the City directed on February 11, 2026.

As an entity that is expected to make decisions based on the best interest of the community, the people who live, work and play in this area, we are confident that the City will make honest, astute and thoughtful decisions on this development proposal.

Thank you for entering this comment into the public record for SB25-0014.
Respectfully, Katie and Steve McLean, 10877 Bluffside Drive.
KatieTrexlerMcLean@gmail.com

May 26, 2026

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We respectfully ask the City to decline to advance this application on the current record.

Our specific concerns are below.

First and foremost, our home is just across the street from the fire road and the now notorious hillside failures from 2024. In fact, that hillside has already failed three times and this land (Tract C) is adjacent to where the proposed construction is supposed to take place.

These hillside failures directly impacted us for more than a year and half. Not only did we have water seep into our basement from the first water main break, but we had construction crews, heavy equipment, noise and an ugly landscape with construction tape and plastic fencing directly in front of our home throughout the nearly 1 ½ year process to rebuild the hillside. The repairs are still not finalized as you can read in a more detailed summary below.

The hillside immediately adjacent to the proposed Hillcamp Drive cut (approximately 120,037 cubic yards of cut and 31,345 cubic yards of fill across 12.26 acres of disturbance, per GESC Report at 6, § 1-C) has a documented utility-failure history. Three water-line breaks occurred on Tract C in 2024 (March 30, May 5, and June 24) and triggered a $500,153 cost-shared hillside repair under the May 6, 2025 Cost Share Agreement between Century

Communities and the City of Lone Tree. The matter is in active litigation in Arapahoe County District Court (Case No. 2025CV30307, trial January 2027).

The permanent replacement waterline is still being designed by Burns and McDonnell and is not yet routed; its bid timing is gated by Shannon and Wilson's geotechnical analysis of Century's discovery production in the active litigation. The applicant's response to this concern is the statement that "it is unrealistic to assume that a utility failure would impact the integrity of the roadway." That answer is inconsistent with the documented record on the adjacent slope.

We ask that the City require, as a condition of any advancement, a finding that the timing and footprint of the Hillcamp construction does not interfere with the not-yet-routed permanent replacement waterline.

We also believe that the City is aware that the developer's proposed plan has never shown a road in the area where they (the developer) is now asking it to be placed. We are failing to understand logically and ethically how those plans can move forward.

Our second major concern is that the road is being placed where no PDD has ever shown one.

We are aware that the RidgeGate Planned Development District has been amended seven times since 2000. None of the seven amendments has ever depicted or designated an access point at the Cabela / Hillcamp end of the mesa-top arterial.

The Surrey Ridge end has been the consistently designated Main Access Road. The applicant's chosen alignment for SB25-0014 abandons the PDD-designated Surrey Ridge access and introduces new access at a location no PDD has ever contemplated, without any PDD amendment. The applicant's stated reason for abandoning the Surrey Ridge corridor is "environmental infeasibility," yet the applicant's own filings show that this same 343-home development plans to run a 12-inch water transmission main through that same Surrey Ridge / I-25 underpass corridor. Logically, a corridor that is

feasible for a water main is also feasible for a road.

We ask that the City require either:
(a) provide a PDD amendment with proper notice, or (b) a finding on the record explaining how this alignment is consistent with the seven existing PDD amendments.

A third concern of ours that we'd like on record is the very real disruption to the beautiful environment, peace and quiet of the community and access to a trail that we use every day and can see from our home and from most vantage points in the community.

Approximately 745 linear feet of existing trail directly adjacent to the proposed alignment will be removed, including approximately 445 linear feet at the Cabela / Viewside connector, with no temporary path provided during construction and no Retreat-side connector replacement proposed.

Construction noise from a 4,077-foot collector road and a multi-year subdivision build-out above will occur within 100 feet of existing Retreat residences over an approximately 250-day window, with Hillcamp Drive serving as the sole construction-access route. The applicant has not provided a noise study and contends that none is required.

As residents who will live with both the construction phase and the long-term operational impact, we ask that the City require an independent noise study and a defined trail-continuity plan as conditions of any advancement.

For the reasons above, we respectfully ask the City of Lone Tree to decline to advance SB25-0014 on the current record.

We are also aware that many other residents, City staff, the Colorado Geological Survey, and South Metro Fire Rescue have expressed concerns and deficiencies in the proposed plans. Those were detailed in referral comments that the City directed on February 11, 2026.

As an entity that is expected to make decisions based on the best interest of the community, the people who live, work and play in this area, we are confident that the City will make honest, astute and thoughtful decisions on this development proposal.

Thank you for entering this comment into the public record for SB25-0014.
Respectfully, Katie and Steve McLean, 10877 Bluffside Drive.
KatieTrexlerMcLean@gmail.com

RE: Hillcamp/Mesa Tops Development – Second Referral – Public Comment

Dear City of Lone Tree Planning Staff and Decision Makers:

As a decade plus long homeowner of the Lone Tree community we wish to express our deepest opposition in the Hillcamp development. We sincerely request your consideration in the reasons as noted below to honor our community.

As stated by Mayor Marissa Harmon "her run for office originated from a deep desire to serve and maintain the **quality of life for residents**..". The Bluff trails have been a treasured asset for our community to enjoy the outdoors, to find peace and tranquility from a burgeoning city and home to our wildlife. The trails support the health of our community to enjoy exercise, lowering blood pressure and enjoying a stress-free open space view.

Also noted the purpose of "serving as a city council member is **connecting with the community to make informed decisions that reflect Lone Tree values.**" Our community truly values the bluffs and the surrounding open space and are strongly requesting you honor this area we value.

Below are considerations to reject this development:

Inadequate Resolution of First Round Concerns:

The second referral raises a critical procedure issue:

- The updated application does not appear to have meaningfully resolved core concerns raised during the referral period.
- Major issues (traffic, access, environmental impact) remain fundamentally unchanged.

Advancing the project without addressing these issues undermines the purpose of the public review process.

Loss of Critical Open Space and Community Identity

The Lone Tree bluffs represent one of the last remaining undeveloped mesa-top landscapes in the area – valued for recreation, scenic views, peaceful retreat and community identity.

- We widely view this area as the "heart" and "soul" of Lone Tree due to it's natural character and trail access.

Even with the proposed "open space", much of it is fragmented, internalized, or designed primarily to serve the development rather than the broader public.

Wildlife Habitat Destruction and Ecosystem Fragmentation

The proposed site is currently a functioning wildlife corridor and habitat.

- The bluffs support elk, deer, burrowing owls, and unique bird species that rely on contiguous open land.
- Development would permanently disrupt migration routes and habitat continuity.
- Urbanization (roads, fencing, lighting) introduces long-term ecological degradation, even where "preservation" is claimed.

The proposal appears to underestimate the cumulative and irreversible impacts to wildlife.

Traffic, Safety, and Infrastructure Concerns

Traffic and access remain among the most serious unresolved issues.

- The development could generate thousands of additional daily vehicle trips.
- Proposed connections to roads like Heather Drive or McArthur Drive would push significant cut-through traffic into established residential neighborhoods.
- These roads were not designed for high-volume through traffic and are used by pedestrians, cyclists and families.
- Surrey Ridge and McArthur Ranch equestrian is seriously threatened changing the entire culture and access to the communities.
- Significant traffic has already made Ridgegate Parkway a major thoroughfare often times making it difficult to exit the roundabout during high traffic times. It has also become a thoroughfare if any delayed traffic is impacting I25 as another cut-through increasing the danger to pedestrians, our parks and our neighborhoods.

The reliance of a single or limited access network raises serious questions about feasibility and long -term functionality.

Emergency Access and Wildfire Risk

The site's location and road layout create real public safety risks

- Limited ingress/egress points increase evacuation vulnerability.

- Wildfire risk in bluff and grassland areas is significant, and evacuation capacity must be robust and redundant.
- Any reliance on emergency-only access roads highlights weaknesses in the core transportation plan.

Approving development before resolving these constraints could place residents and neighboring communities at risk.

Geological and Topographic Constraints

Bluff top and mesa-edge development inherently involves geotechnical challenges.

- Steep slopes and variable soils raise concerns about slope stability and erosion. Again, all these highlighted concerns were just brushed over, if not arrogantly dismissed in the initial public comment response from the developer.
- Significant grading and stormwater infrastructure will be required; altering natural drainage patterns.
- Long-term maintenance and risk mitigation may shift burdens to the City or homeowners.

These issues should be treated as **fundamental feasibility concerns**, not minor engineering details.

Water Supply and Sustainability Concerns

Colorado faces ongoing water scarcity challenges, especially for new development.

- Large-scale residential expansion increases long-term water demand.
- There are unresolved questions about whether sustainable water supply has been fully addressed, particularly given regional constraints, not to mention recent enhanced drought conditions.

Approving growth without secure, sustainable water planning is inconsistent with responsible development.

Inconsistency with Community Vision and Prior Expectations

This proposal conflicts with what we believed was protected or intended use for this land.

- Many of us chose to live in Lone Tree for access to open space, trails, and views.
- The scale and placement of this development shifts the character of the community toward dense build-out of remaining natural areas.

Even if you believe this is technically permitted (which we would strongly disagree) this project is **NOT aligned with the spirit of preserving our community**. It is the spirit of our elections and the rightful duty that our elected officials represent the interests of the community.

Inadequate Resolution of First-Round Concerns

The second referral raises a critical procedural issue:

- The updated application does not appear to have meaningfully resolved core concerns raided during the first referral period.
- Major issues (traffic, access, environmental impact) remain fundamentally unchanged.

Advancing the project without addressing these issues undermines the purpose of the public review process.

Zoning Concerns

The land was zoned very broadly – not for the fixed number of significant homes as proposed. It is our understanding that the original zoning was indicated at maximum 60 homes.

- The RidgeGate property (including the bluffs) was annexed in 2000 under a large Planned Development (PD) framework – not a fixed subdivision count.
- That zoning established long-term planning areas and general land uses, not specific build-out numbers.

Current Zoning is "Rural Residential" – low density.

- The Bluff area is identified as Rural Residential within the RidgeGate Planned Development.
- Early conceptual discussions or community expectations often floated very low build-out scenarios (like estate lots) and potentially on the lower elevations.
- Rural residential lots are most often interpreted as very large lots (5+acres)
- Despite being described as "acre-scale" homes, the actual subdivision creates significantly smaller lots once roads, slopes, and infrastructure are accounted for – increasing density beyond what residents expect for this terrain.

- The developer comments “future Preliminary Plan and subdivision plats will define development” means they can still shrink lots, cluster homes, create mixed lot sizes. They are not stating minimum lot sizes and are not showing rough lot yields. They are avoiding any commitment to defer which is a classic sign of higher density than the marketing language suggests.
- The numbers make it mathematically impossible to generate the density housing they are suggesting as Residential Rural.
- The Sub-Area Plan uses rural and estate-style language but does not actually define minimum lot sizes (because the numbers are not there).

The current proposal attempts to maximize density rather than reflect the original intent of low-impact, context-sensitive development for the blufftops.

“Rural Residential” zoning does not mean “maximum allowable units regardless of constraints. It should reflect the **environmental sensitivity** (**as even noted on the Lone Tree signage at the base of the bluffs**), access limitations, wildfire risk, and unique character of this land.

McArthur Ranch was originally homesteaded in 1919 by Edith and Mark D. McArthur, who traveled from the Midwest by covered wagon and were living in Littleton at the time. McArthur Ranch is among the oldest ranches in northern Douglas County, and several **Native American artifacts have been discovered both on the ranch and along the bluff**.

Colorado State Law Protections

Colorado Law protects “historical, prehistorical, and archaeological resources”, including sites tied to early or indigenous cultures.

Development activities that disturb these resources can require:

- Permits
- Surveys
- Formal review BEFORE disturbance

This means you cannot just build first and “handle discoveries later”. That is not how compliance is suppose to work.

Mandatory Consultation and Surveys

Developers are generally expected to:

- Conduct cultural resource surveys
- Identify archaeological sites
- Document them with the State (OAHP)

If this hasn't been completed, the application is premature and incomplete.

I am unsure if any of the project involves federal funding, permits infrastructure or approvals but if so, Section 106 of the National Historic Preservation Act applies. This review must occur before approvals – not after construction begins.

Protection of Archaeological and Native American Cultural Sites

At present, it is unclear if required consultation with Tribal or preservation authorities has occurred.

Approving this project without full and transparent compliance raises serious legal and ethical concerns.

Disturbing or destroying irreplaceable cultural heritage sites – particularly those connected to indigenous history – would be a permanent and unacceptable loss.

This issue alone warrants delaying or more appropriately denying approval.

Given the significant and unresolved concerns outlined above, I respectfully request that:

- The Hillcamp/Mesa Tops applications not be approved and
- The City require substantial redesign, lessening the density and impact as originally intended (60 homes on the lower base) OR deny the proposal outright until critical issues-especially access, safety, environmental impact and community impact are fully resolved.

I will in addition submit our initial response since no meaningful changes occurred from the first public referral.

We sincerely appreciate your consideration in valuing this special and unique open space as a treasure to the community.

Sincerely,

Keira & Steve Rawlings

9066 Blufftop Way, Lone Tree, CO 80124

303-489-2100

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

City of Lone Tree
Planning Commission and City Council
9220 Kimmer Drive, Suite 100
Lone Tree, CO. 80124

Kim Muramoto
8010 Clear Water Drive
Lone Tree, CO. 80124

26 May 2026

To the Lone Tree Planning Commission, City Council,

I am writing to oppose the Hillcamp Sub-Area Plan. The proposed building and access road for the Hillcamp development is not well planned as evidenced by the lack of foresight related to access or egress. In this area considered a higher fire risk, to only have one road in the event of an emergency is not adequate by any means. In addition, with our water already considered strained there is no further planning on how to support this housing area and landscaping.

In addition, we are losing our greenspace and wildlife which is why Lone Tree is unique. Population density is only increasing and this development will only create more traffic issues than exist in the current state.

I have lived in Lone Tree for 25+ years and am a Colorado native. I moved to Lone Tree because I believe in responsible government and excellence in planning. This proposal falls well below these reasonable expectations and creates a decrease in both health, safety and quality of life.

I do not support this plan as a nurse and as a community member.

Sincerely,

Kim Muramoto (signed electronically)

Kim Muramoto, MSN, RN, TCRN

City of Lone Tree
Planning Commission and City Council
9220 Kimmer Drive, Suite 100
Lone Tree, CO. 80124

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Sincerely,

Kim Muramoto (signed electronically)

Kim Muramoto, MSN, RN, TCRN

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistently with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105 (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 43-1-106 / C.R.S.A. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which requires every planned unit development to be evaluated against, and to be consistent with the standards and conditions set forth in the adopting resolution or ordinance, and under *Friends of the Black Forest Preservation Plan, Inc. v. Board of County Commissioners of El Paso County*, 2016 COA 54, 381 P.3d 396, which vacated a land-use approval under C.R.C.P. 106(a)(4) where the record

fails to support the approval criteria. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-304 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the §29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as ability to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. §29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On *April 21, 2026, the* Lone Tree City Council adopted the Colorado Wildfire Resiliency Code on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103, a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under §302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the §302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR §403 / §404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3100+ cars onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It will also cause near certain deaths if a fire emergency were to occur. The developer's argument that an access to Surrey Ridge would protect those residents, is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before

> approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. §29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC §403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC §D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway.*

> *Because of this elevation difference, a public roadway connection is infeasible at this location." — Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC §403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR §403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC §404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt,*

slate, and concrete tiles" and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan. The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and The Retreat at Ridgegate's own

pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL | Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside (subject of Southgate Water v. Century Communities), the record cannot support a competent finding under C.R.S. §30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability

> review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104 authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY — CEILING, NOT ENTITLEMENT (C.R.S. § 24-67-105)

C.R.S. § 24-67-105 establishes maximum PDD density as a *ceiling* and grants the City *"wide discretion to negotiate all aspects."* The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks entirely from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating maximum PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder, 927 P.2d 1339, 1348 (Colo. 1996),* the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (Church and adjacent neighborhoods

including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear we will be trapped as we are occasionally in the mornings when we try to drive our children to school, and were as recently as on May 15, 2026, watching cars wandering our interior streets backed up all the way to the interior of our neighborhood hoping to navigate around standstill traffic. The Colorado Supreme Court in *Board of County Commissioners of Routt County v. O'Dell*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs*, it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 implicates the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County *Public Works* consent.

Two additional property-rights instruments narrow the record further. First, the recorded 1999 "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract, not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-*

sized) would be able to go across the bridge for maintenance and snow removal." That is not related to the EVA nor consent, narrow in scope, from the wrong department, only for F-350 maintenance access to the pedestrian bridge. It is not consent under § 43-1-106 for County-road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Parks & Rec's narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat HOA. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. ... the Project was redesigned to provide water quality in an alternative manner. ... construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under Lazy Dog Ranch; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Surrey Ridge Drive, the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. Colo. Rev. Stat. Ann. § 30-28-106(1). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), in part, that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/ day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Orten Cavanagh referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL │ Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone … is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the

> procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under Lazy Dog Ranch; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that, the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comment received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat HOA, and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge HOA, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Colorado Rules of Civil Procedure (C.R.C.P.) 106(a)(4)*, an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address.

XII. REQUIRED NOTICE NOT PROVIDED

In the City of Lone Tree, a Planned Development District (PDD) amendment is treated as a rezoning application as a PDD functions as its own localized zoning designation, any amendment to it changes the underlying regulations and requires the same formal public review process as a standard rezoning. Sec. 16-15-20. Further, Lone Tree City Zoning Code requires public notice be provided to adjacent landowners within two hundred (200) feet of the land proposed for zoning or rezoning within fifteen (15) days prior to the Planning Commission hearing, and again the same timeframe prior to the City Council Hearing. Sec. 16-15-80. The Surrey Ridge community has not received any formal notice of the adjacent development as of the second referral submission. It seems the City's land use code inherently deprives its residents (and those in neighboring unincorporated lots), of due process and the opportunity to participate with meaningful project review and response in writing prior to Planning Commission review when a project is in stages when feedback can be incorporated during project design without incurring more expensive and difficult changes. The City and developer would have been well served to engage adjacent communities from the onset instead of when the project has already generated voluminous documents to support four applications, and is at the late stage of construction documents.

The notice issue here runs on two parallel tracks across the four-application package, with different natural objectors:

Track A — SB25-0014 (Hillcamp Trail Final Plat)

Adjacent owners to the Hillcamp Drive / Hillcamp Trail alignment include The Retreat at RidgeGate (within Lone Tree city limits), Douglas County parcels along or near the proposed alignment, the McArthur Ranch parcels associated with the EVA access, and parcels along the retaining-wall corridor.

Track B — SB25-0009 and SB25-0010 (Preliminary Plans)

Surrey Ridge is geographically adjacent to the Preliminary Plan area governed by SB25-0009 and SB25-0010 - not to the road plat itself. Surrey Ridge owners did not receive individualized mailed notice for those Preliminary Plan applications. Surrey Ridge is the natural objector on those applications and preserves this defect on the record. The road plat (SB25-0014) exists to serve the development approved under SB25-0009 / SB25-0010; if the Preliminary Plan approvals are voidable for defective notice, the road serves no lawful purpose. The City cannot lawfully advance the road segment as if the procedural defects on the related applications it serves do not exist.

> **Finding Requested.** On Track A: the developer should produce, on the record, an affidavit of mailed notice for SB25-0014, with each adjacent owner served (including unincorporated-County owners), with addresses and dates of service. On Track B: the developer should produce the same affidavit for SB25-0009 and SB25-0010, with particular attention to individualized notice to Surrey Ridge owners in unincorporated Douglas County. Any deficiency on either track should be cured by providing adjacent landowners with sufficient notice to engage the referral process before that closes and goes to the Planning Commission for recommendation. Surrey Ridge preserves this Track-B objection on the present record.

XIII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).

5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

Elizabeth Riner

9902 N Heather Drive

Castle Rock, CO 80108

303-884-8939 , BetsyRiner@Comcast.net

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).



ELK STANDING ON HEATHER DR, MAY 20, 2026. WALKING IN THE ROAD FOR 1 HOUR

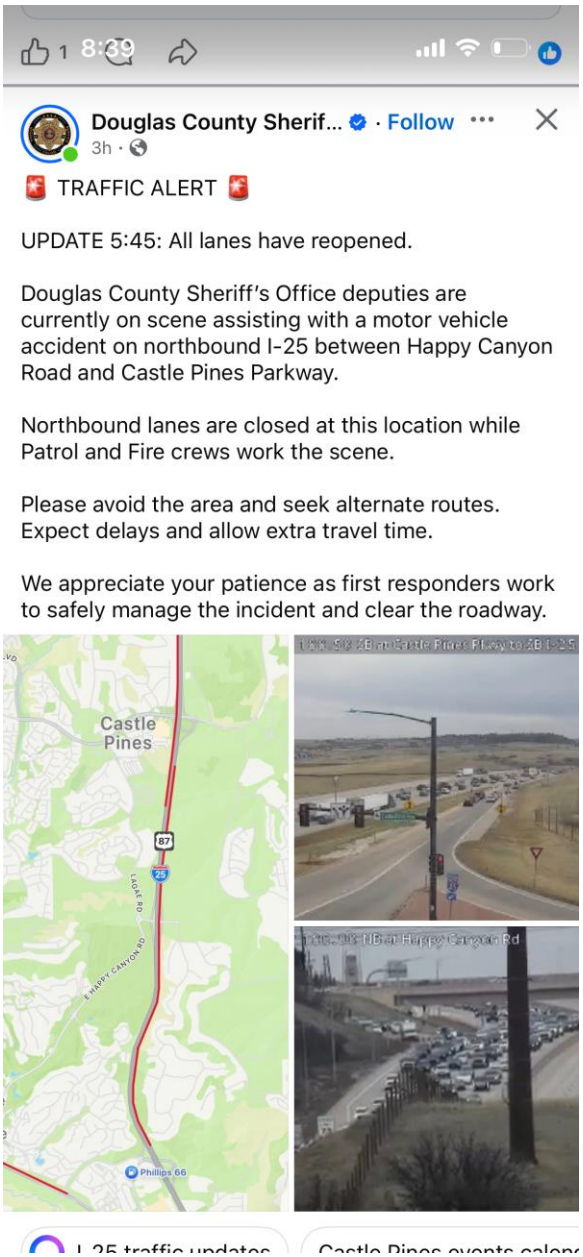


SURREY RIDGE EQUESTRIAN COMMUNITY – NO PLACE FOR HILLCAMP TRAFFIC

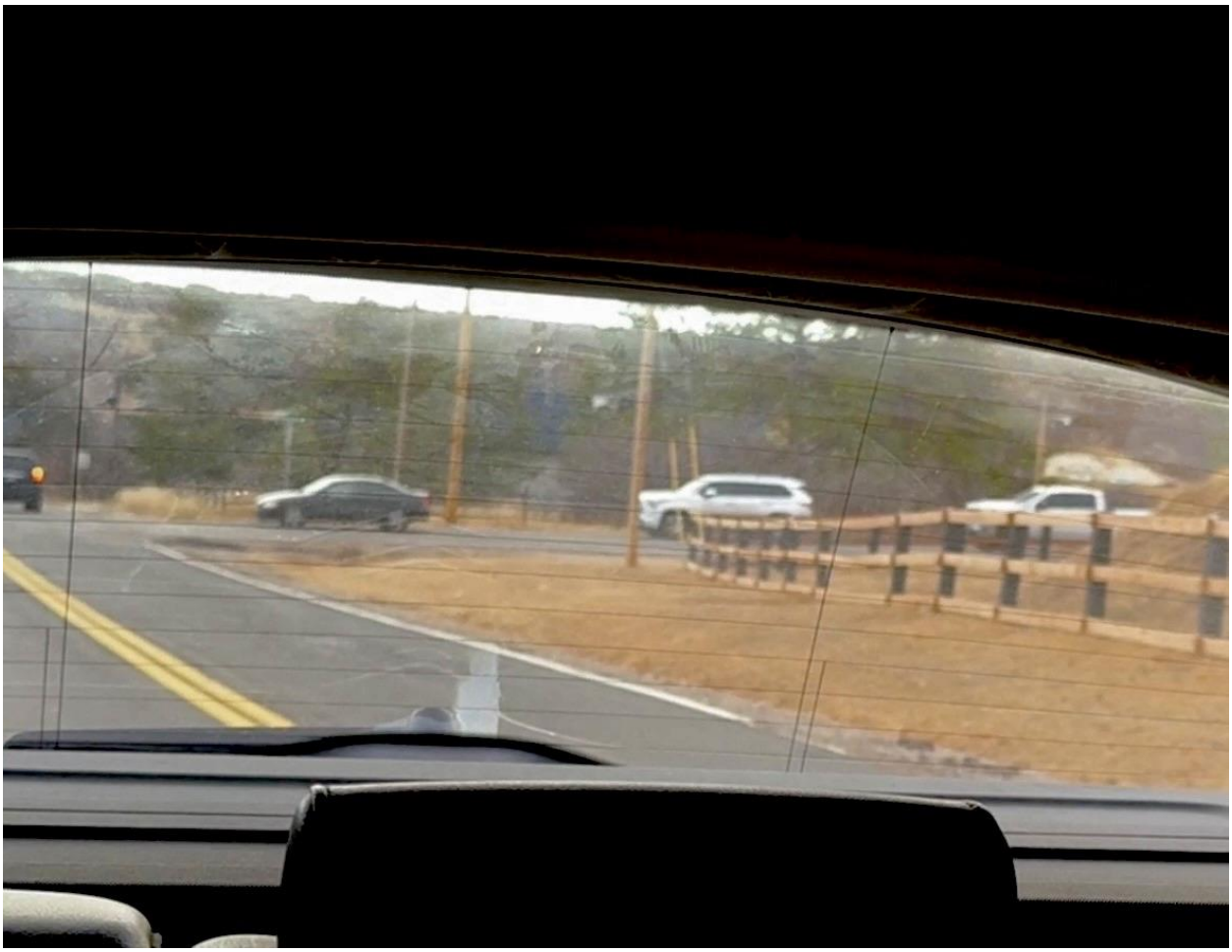


HORSES AND PEDESTRIANS ON N HEATHER DRIVE – NOT FOR HILLCAMP TRAFFIC





TAKE A LOOK AT THE TRAFFIC AND DOUGLAS COUNTY SHERIFF RECOMMENDATION TO: PLEASE AVOID THE AREA AND SEEK ALTERNATE ROUTES.
SURREY RIDGE WILL BE A CUTTHROUGH NEIGHBORHOOD TO HILLCAMP.



RECENT BACKED UP CUT THROUGH TRAFFIC ON CLYDESDALE ROAD, SURREY RIDGE TURNING NORTH ON TO SURREY DRIVE DUE TO I-25 CONGESTION. THESE CARS WERE ALL EXITING HAVANA TO CLYDESDALE IN ORDER TO BYPASS HAVANA BACKUPS TOO. ALL OF THIS TRAFFIC THEN ENDS UP BACKED UP AT THE ONE LANE UNDERPASS. THIS IS A NON-EMERGENCY SITUATION THAT RESTRICTS FLOW FOR SURREY RIDGE RESIDENTS. CONSIDER THE IMPLICATIONS IF HILLCAMP TRAFFIC IS ALLOWED TO HAVE ACCESS TO SURREY RIDGE AND AN EVACUATION EMERGENCY EXISTS. THIS IS DANGEROUS.

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Comment on Hillcrest Sub Area Plan

From LINDA LONG
Email lindaslong@gmail.com
Address 9446 N. Surrey Dr. Castle Rock, Co 80108

In my first public comment dated 2/9/24 I relayed my experience with James Wattenburger of South Metro Fire. We drove the Roads of Surrey Ridge so he could evaluate neighborhood defensible space and fire evacuation of Surrey Ridge.

James had considerable experience with the Paradise, CA fire in similar terrain, where many people died or narrowly escaped trying to evacuate. He compared Surrey to Paradise, CA in difficulty of evacuation, flamability of scrub oak, and crowning of Ponderosa Pines.

Our narrow, winding, steep, hilly, country Roads without shoulders or streetlights exit to a one lane tunnel to the north, and a two lane tunnel to the south, leading to an unreasonable delay in evacuation.

James painted out that fire equipment would compete for road space with evacuating residents to further complicate unreasonable evacuation.

Bicycles up to 20 at a time from outside of Surrey are presenting problems, adding to traffic problems. They do not obey traffic Rules including taking Stop Signs at 5 0 MPH, and running red lights at the tunnel. They also block cars by their sheer numbers, making it impossible to pass them on hills.

Animals, including fox, bear, bobcats, turkeys, mountain lions, porcupine, skunks, rabbits, deer and elk are all using Surrey roads.

Added to that resident bicyclists, joggers, walking, dog walking, ATV's, scooters, electric bicycles, and horses all occupy Surrey Roads.

Finally, there are residents in their cars, trucks, RV's, motorcycles, Road maintinence, new construction, building maintenence, package and mail delivery, visitors, landscapers, emergency, snowplows horse trailers, trailers, Xcel, fire Centurylink and Xfinity.

Hillcamp wants to extend Heather Drive to invade Surrey roads with a whopping 3,136 vehicle trips a day on a road with a maximum capacity of 400 vehicles.

Hillcamp proposes gridlock and death on already over capacity roads, as stated above.

This is a dire situation and any Reasonable person would not approve this.

If Hillcamp wants to overdevlop they need to provide their own roads and not endanger us.

Thank you very much for your consideration.

Linda Long
9446 N Surrey Dr.
lindaslong@gmail.com

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Dear Mayor and City Council of Lone Tree,

I am very concerned about water in Douglas County. When there was a possible annexation into our City recently the developer did not have a "will serve letter" accompanying his petition for annexation into Castle Pines. If you look at the Town of Castle Rock that is a requirement to even request to annex into a city. I believe that this developer for Lone Tree must answer that question, as well and have a "will serve letter" from a water company, prior to any consideration for future development of their property. They must also have answers to waste water, as well. Water is a major issue for all of us in Douglas County - without that our homes are worthless. Please make sure that this is answered prior to any approvals.

Additionally, the ingress and egress into this proposed development is very questionable. I agree with others that state you must have adequate roads to and from this development, so that in the event of a fire or need to evacuate, people can get out in a timely and safe manner.

Mayor and City Council of Lone Tree please don't jeopardize your resident's health and safety by not ensuring that these important questions are answered.

Thank you for your consideration.

Lorrie Ball

15 Breamore Court

Castle Pines, CO 80108

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

Dear Chuck:

The McArthur Drive Coalition is a group formed to represent 875 households in the McArthur Ranch, Highland View Estates, Stornoway, and Wildcat Preserve neighborhoods (the "Coalition"). On behalf of these residents, we would like to formally comment on the Southridge Preserve of the Hillcamp Development (the "Development") which is adjacent to McArthur Ranch.

The priority of the Coalition is to preserve the safety and attributes of the historic rural community of McArthur Ranch, specifically to prevent the development of and increased traffic on McArthur Drive. The Coalition has had several conversations with representatives of the developer of Hillcamp, Brookfield Residential ("Developer"), and Kevin Rohrbough with JR Engineering, the Developer's engineering firm ("Engineer"), and we believe our requests are in the best interests of the City, the County, residents of the Development, and the residents represented by the Coalition. In accordance therewith, the Coalition requests the following:

1. The Coalition requests that the Sub-Area Plan, Southridge Preliminary Plan, Traffic Study and the Hillcamp Southridge Construction Documents proposed by the Developer:
    a. consistently identify the access point to McArthur Drive as a **perpetual emergency only access point**; and
    b. specify at least **TWO locked gates** and signs designating access for emergency vehicles only to be installed on the EVA (one at the access point and one near the amenities center).
2. We respectfully request that **approval of the final Southridge Plan and final plat be contingent** upon the limitation of the access point to McArthur Drive as a perpetual emergency-only access and the requirement of two locked gates with appropriate signage designating access for emergency vehicles only. **We request that these conditions for approval be recorded in the Douglas County real estate records in the form of an enforceable Memorandum of Understanding between the City and the Developer.**
3. The Coalition met with the Developer and the Engineer, and they agreed to install the gate at the border between McArthur Ranch and the Development **prior to any construction activity** to prevent construction traffic on McArthur Drive. Further, we request that earthmoving equipment also not be allowed to use McArthur Drive. We request that this be formally confirmed by the City during public comments.
4. With respect to the safety of both our residents and the wildlife with which we coexist, the current wildlife corridor design is unacceptable as it creates a dead-end condition that forces large elk herds onto the steep slope behind the McArthur Ranch properties. We request a revised solution that provides a safe

and functional wildlife passage. Additionally, we request formal rattlesnake mitigation and prairie dog removal or relocation.

We appreciate your consideration of the concerns of the 875 households impacted by the Development to ensure that these changes are incorporated into the Final Development Documents approved by the City. We request that we be notified of any changes, additions or deletions related to McArthur Drive prior to the finalization of the Development Documents. Notifications should be sent to the Coalition's email address at **mcarthurdrivecoalition@gmail.com**.

Respectfully,

McArthur Drive Coalition

Coalition members:

Cecilia Madison
Angela Smart
Susan Tillman
Keith Tillman
Chuck LaCouture
Jim Brant
Jolene VerSteeg

cc: Kevin Rohrbough (kevinrohrbough@jrengineering.com)

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

I further note that The Retreat at RidgeGate Homeowners Association also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire

Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, I did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL │ Thompson, March 27, 2026, p.1 [Emphasis added].*

" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.

"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak

> Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire

suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo ... seven roadway alternatives were compared ... Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"... the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) ... were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs ... in addition to having certain additional emergency-access and design-standard constraints ..." — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "…*[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment*

> *activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record

absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. I respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.
8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

I respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

Megan Peitzmeier

Palomino Drive, Castle Rock CO 80108

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

BOARD OF CANVASSERS' CERTIFICATE OF ELECTION RESULTS

CITY OF LONE TREE, COLORADO
AUGUST 29, 2000

Each of the undersigned members of the Board of Canvassers of the City of Lone Tree, in the County of Douglas, State of Colorado, certifies that the following is a true and correct statement of the results of the election for the City of Lone Tree, at which time the registered voters of the City voted as indicated on the attached Judges' Certificate of Election Results:

Votes cast YES for the Annexation of Rampart Range 824 Eight Hundred Twenty Four

Votes cast NO against the Annexation of Rampart Range 606 Six Hundred Six

John R. O'Boyle, Mayor

Jack W. L. Hidahl, City Clerk

District Contract: R. S. Wells, L.L.C.
6399 S. Fiddler's Green Circle, Suite 102
Greenwood Village, CO 80111-4974
(303) 779-4525

JUDGES' CERTIFICATE OF ELECTION RETURNS

CITY OF LONE TREE
AUGUST 29, 2000

IT IS HEREBY CERTIFIED by the undersigned, who conducted the election held in the City of Lone Tree, in the County of Douglas, State of Colorado, on the 29th day of August, 2000, that after qualifying by swearing and subscribing to their Oaths of Office, they opened the polls at 7:00 a.m., and that they kept the polls open continuously until the hour of 7:00 p.m. on said date, after which they counted the ballots cast for directors of said District:

Ballot Question:

"Shall the City of Lone Tree Annexation and Zoning Ordinances Nos. 00-05, 00-06, 00-07 and 00-08, regarding property generally known as "Rampart Range", be approved pursuant to Article I Section 4(b)(i) of the Lone Tree City Charter resulting in the annexation and zoning of such property as set forth in such ordinances?"

	Number of Votes Cast (Numeric and Spelled Out)
YES Votes Counted	824 EIGHT HUNDRED TWENTY FOUR
NO Votes Counted	606 SIX HUNDRED SIX

IT IS HEREBY IDENTIFIED AND SPECIFIED THAT:

Total number of ballots voted:	1,430 ONE THOUSAND FOUR HUNDRED THIRTY
Unofficial ballots voted:	0 ZERO
Substitute ballots voted:	0 ZERO
Ballots delivered to electors:	1,508 ONE THOUSAND FIVE HUNDRED EIGHT
Spoiled ballots:	15 FIFTEEN
Ballots rejected for insufficient information (Absentee):	24 TWENTY FOUR
Challenged ballots:	3 THREE

ABSENTEE BALLOTS: POLL BOOK EQUALS 474
ENVELOPES EQUAL 474
BALLOT COUNT EQUALS 473

Ballots not delivered to electors: 2,077 Two Thousand Seventy Seven

Ballots returned to the Designated Election Official: 3,547 Three Thousand Five Hundred Forty Seven

CERTIFIED by us this 29th day of August, 2000:

_____, Election Judge

_____, Election Judge

_____, Election Judge

May 26, 2026

To: City Council / Planning Commission / Douglas County Commissioners

Re: Opposition to the Proposed Hillcamp Development and Associated Access Plans

Dear Members of the Council and Planning Commission,

I am an active community member and home owner in both, Lone Tree, Colorado and Surrey Ridge are not going quiet and will not surrender and be subjected to the Hillcamp Development‘s impacts on our natural open space landscape, roads, traffic, and local wildlife.

I respectfully submit this letter in strong opposition to the proposed Hillcamp development and associated roadway and infrastructure plans. While we recognize the importance of thoughtful growth and housing opportunities, this proposal raises serious concerns regarding public safety, environmental preservation, infrastructure capacity, fiscal responsibility, and irreparable impacts to existing communities and residents.

Our concerns include, but are not limited to, the following:

- First and foremost, emergency access and wildfire evacuation remain deeply troubling issues. Existing neighborhoods in the area rely on limited access roads and already face evacuation challenges during emergencies. Adding significant residential density to this area increases the risk to current residents and first responders alike. Nearby rural communities such as McArthur Ranch and our community in Surrey Ridge are particularly vulnerable because they rely on wells and are not supported by city-maintained fire hydrants. In an era of increasingly severe wildfire events across Colorado,

approving a development that compounds evacuation and fire suppression challenges is irresponsible and dangerous.

- The proposal would also result in the loss and fragmentation of more than 400 acres of land currently functioning as wildlife habitat and movement corridors. Adjacent public open space would be negatively impacted by development activity and increased human intrusion. Although portions of the proposal are labeled as “open space,” much of this land appears to function primarily as internal subdivision space rather than truly accessible public open space for the broader community. Likewise, the proposed amenities and trails seem designed primarily for Hillcamp residents rather than for meaningful regional public use.
- Traffic congestion and roadway safety concerns have not been adequately addressed. Existing roads and intersections already experience congestion, and the introduction of substantial additional traffic will negatively impact safety, commute times, emergency response access, and quality of life for surrounding residents. These impacts extend beyond the immediate development area and will create cumulative burdens on neighboring communities and Douglas County infrastructure.
- We are also concerned about the suitability of the site itself. Portions of the proposed development area contain unstable soils and terrain identified as landslide-prone by the Colorado Geological Survey. Significant hillside grading and terrain modification appear necessary to construct the project, directly conflicting with claims that the development would “preserve topography.” The risks associated with slope instability, erosion, and long-term structural integrity deserve far more scrutiny before any approvals are granted.
- Drainage and stormwater management present additional major concerns. Constructing a subdivision above long-established neighborhoods increases the likelihood of runoff, erosion, and downstream flooding impacts. Residents below the proposed

development should not bear increased flood or drainage risks as a consequence of this project.

- The proposal also raises substantial financial concerns for taxpayers. Long-term maintenance obligations for roads, infrastructure, and the proposed pedestrian bridge may ultimately fall to the City of Lone Tree or Douglas County. Residents deserve transparency regarding the long-term public costs associated with maintaining infrastructure that primarily serves a private development.
- Additionally, this proposed access alignment is not identified in the RidgeGate 7th Amendment Planned Development District, raising important questions regarding consistency with previously adopted planning documents and community expectations. Deviations of this magnitude warrant careful reconsideration and full public accountability.
- Finally, drought conditions and water resource concerns cannot be ignored. Colorado continues to experience increasingly warm and dry conditions, including one of the warmest winters in recent memory. Expanding residential development in a high-risk, resource-constrained environment raises legitimate questions about long-term sustainability and responsible growth management.

For all of these reasons, I urge you to reject the proposed Hillcamp development. I respectfully ask that the protection of existing residents, public safety, wildlife habitat, infrastructure integrity, and long-term fiscal responsibility remain the priority in all future decisions regarding this proposal.

Thank you for your time and consideration.

Sincerely,

Mike Oserow

Surrey Ridge and Ridgegate homeowner and Resident

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

> independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/ 

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
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> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Mr. Chuck Darnell
Senior Planner
City of Lone Tree, Colorado

Dear Mr. Darnell,

I am writing to the City of Lone Tree as a former resident and long-time business manager with a deep appreciation for the city and its continued success. Lone Tree's best interests have always remained important to me, and I have watched with admiration as the city has grown over the past 30 years.

The development of Ridgegate has been extraordinary for Lone Tree, bringing tremendous economic vitality through the addition of the hospital campus, corporate headquarters such as Charles Schwab and Kiewit, numerous large and small businesses, diverse residential opportunities, and the expansion of two light rail lines. Coventry Ridgegate's contributions of land for the arts center, library, recreation center, parks, and facilitation of the Bluffs Regional Trail as well as the preservation of the Schweiger Ranch have created lasting community assets that greatly benefit residents and visitors alike. There is no other city like Lone Tree.

The South Denver/Douglas County market have a great demand for quality homes and a demographic moving into the area that will help build and sustain the city for years to come.

From both a planning and economic standpoint, I strongly support the approval and completion of the HillCamp Development. This project was always intended to be part of the overall RidgeGate vision and should be completed to help ensure the continued vibrancy and long-term economic vitality of the City of Lone Tree.

Thank you for your consideration and for your continued service to the community.

Sincerely,

Pamela Kelly

Former Vice President and Senior General Manager of Park Meadow

Douglas County resident, 5179 Le Duc Lane, Castle Rock, Co. 80108

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

Chuck Darnell
Senior City Planner
City of Lone Tree
Lone Tree, Colorado

Dear Mr. Darnell,

I are writing to express our strong support for continued quality development and thoughtful population growth within the City of Lone Tree that is proposed with the HillCamp development.

I manage the largest department store in Lone Tree and while I cannot speak for our corporation I can speak to the results as a manager with more customers with the demographic that coincides with our product selection.

Over the past three decades, Lone Tree has distinguished itself as a community that balances economic vitality with livability, thoughtful planning, and long-term vision. This success is no accident. It reflects the consistent dedication of city staff, the careful stewardship of its planning professionals, and the steady leadership that has guided the City's evolution over the past 30 years.

I would like to specifically recognize the exceptional work of the planning department and city staff, whose diligence ensures that growth is not only well-managed but enhances the character and value of the community. Their ability to evaluate projects through both a technical and community-centered lens has helped maintain the high standards residents and businesses have come to expect.

Equally important is the leadership of the City of Lone Tree over the years. The commitment to strategic, forward-thinking decisions has positioned Lone Tree as one of the most desirable places to live and work in the region. The City's willingness to embrace responsible growth while preserving quality of life is commendable and should continue to guide future development efforts.

I believe that well-planned, high-quality development—paired with appropriate population growth—will further strengthen the City's economic base, support local businesses, and contribute to a vibrant and sustainable community. Growth, when done right, enhances not only infrastructure and amenities but also the overall sense of place that makes Lone Tree unique.

We appreciate your continued efforts and leadership in shaping the future of Lone Tree and encourage the City to remain committed to the principles that have brought it success thus far.

Thank you for your time and for your service to the community.

Sincerely,

Roger Casto

Roger Casto
24550 E 36th Ave
Aurora CO 80019

Dillard Dept Store
8401 Park Meadows Ctr Dr
Lone Tree, Co 80124

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Oak Hills community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the application cannot be approved consistently with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105 (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 43-1-106 / C.R.S.A. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Oak Hills, Surrey Ridge, and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which requires every planned unit development to be evaluated against, and to be consistent with the standards and conditions set forth in the adopting resolution or ordinance, and under *Friends of the Black Forest Preservation Plan, Inc. v. Board of County Commissioners of El Paso County*, 2016 COA 54, 381 P.3d 396, which vacates a board's quasi-judicial land-use approval under C.R.C.P.

106(a)(4) where the record fails to support the approval criteria the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-304 provides that a municipality *"shall not"* approve a development without an adequate water supply finding. This is mandatory, not discretionary. No State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** The City should refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination and include the determination in the record before approval. The City must also make a separate CWRC § 402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On *April 21, 2026, the* Lone Tree City Council adopted the Colorado Wildfire Resiliency Code on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103, a Colorado statutory vested property right attaches only upon approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension). The McArthur Ranch EVA is deficient in slope and width. Oak Hills and Surrey Ridge oppose any connection to the neighborhood given unfunded traffic, roadway and fire impacts. Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. SMFR's February 4, 2026,

referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an unconditional SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and a compliant second access must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC § 402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. This is in addition to, not in lieu of, the State Engineer adequate-water determination required by C.R.S. § 29-20-304 (Section I above). Both findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*

> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*

> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current street geometry cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Oak Hills community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes..."* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior

flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§ 504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing, hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§ 405–406 compliance on the face of the preliminary plan, in coordination with the § 402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 34-1-302

C.R.S. § 34-1-302 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan. The applicant's March 27, 2026 City Response Letter at page 8 declined the utility risk plan, taking the position that "There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and Century Communities' own

pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *"The discussions and criteria presented in this letter are intended for planning purposes only."*
> *— CTL | Thompson, March 27, 2026, Cover Page*

> *"We were unable to drill two of the proposed slope stability borings (TH-103) on the central portion of the site due to access issues." — Id. p. 4.*

> *"We are aware of post-construction slope failures on nearby sites ... Addition of water to the subsurface from precipitation or irrigation reduces relative stability and may initiate slope failures." — Id., Landslides and Debris Flow section.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety as low as **1.3 and 1.4** for cross-sections B-B' R-to-L (interim) and F-F' / H-H' (interim), at or below the 1.5 industry preferred minimum for permanent infrastructure and at the 1.3 minimum for critical temporary excavations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.5 or 1.6, uncomfortably close to the failure threshold of 1.0. CTL's March 27 letter discusses temporary slope laybacks of 1.6H:1V to 1.3H:1V, steeper than standard, in the same paragraph where it concedes that *"Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections."*

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside (subject of Southgate Water v. Century Communities), the record cannot support a competent finding under C.R.S. § 34-1-302.

Finding Requested. C.R.S. § 34-1-302 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with the missing TH-103 boring completed and the developer's "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104 authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry

> minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 34-1-302.

IV. PDD DENSITY — CEILING, NOT ENTITLEMENT (C.R.S. § 24-67-105)

C.R.S. § 24-67-105 establishes maximum PDD density as a ceiling and grants the City *"wide discretion to negotiate all aspects."* The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to demonstrated water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks entirely from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is "*still not consistent with the intent of the underlying Planned Developments*" (Southridge City Response Letter, March 27, 2026).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating maximum PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE — SNYDER / RESOLUTION 22-05

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder, 927 P.2d 1339, 1348 (Colo. 1996),* the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation

maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1.
- CDOT access permit required. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment.

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation

> of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation, "Perpetually Unpaved," Locked Gates

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two additional emergency only access points are anticipated to be provided via McArthur Drive to the west in a perpetually unpaved condition and via North Heather Drive to the South. Each emergency only access point will include at least one locked gate and signage." — R2 SAP, § 2.11.2 (Roadway Access), p. 33.*

> *"Connections to McArthur Drive and North Heather Drive are proposed strictly for emergency access only, and will be located within Tracts, not public right-of-way." — Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

The developer's recharacterization of these access points as EVA-only, in tracts (not ROW), and "perpetually unpaved" is responsive to community concerns about cut-through traffic. It does not, however, resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County and connects to Oak Hills, which then connects to Castle Pines. Neither neighborhood has the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. Oak Hills echoes these sentiments. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Adding over 3000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (Canyons multifamily, new mixed use, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear we will be trapped as we are occasionally in the mornings when we try to drive our children to school and cars are wandering our interior streets backed up all the way to the interior of

our neighborhood. The developer's conclusory recitals that a road *"will provide"* emergency access are not competent evidence of access feasibility under *Bowen/Edwards*, 830 P.2d 1045, 1053–54 (Colo. 1992).

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65-103 requires the City to analyze impacts on unincorporated areas. The Resubmittal 2 packet does not contain a recorded easement, a Douglas County *Public Works* consent, or a § 24-65-103 extraterritorial-impact analysis.

Two additional property-rights instruments narrow the record further. First, the recorded 1999 "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract, not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation*, dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* That is not related to the EVA nor consent, narrow in scope, from the wrong department, only for F-350 maintenance access to the pedestrian bridge. It is not consent under § 43-1-106 for County-road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Parks & Rec's narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat HOA. 80% homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. ... the Project was redesigned to provide water quality in an alternative manner. ... construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that

legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under Lazy Dog Ranch; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Surrey Ridge Drive, the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo ... seven roadway alternatives*

were compared ... Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.

"... the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) ... were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs ... in addition to having certain additional emergency-access and design-standard constraints ..." — Retreat Response Letter, p. 7.

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. Colo. Rev. Stat. Ann. § 30-28-106(1). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), in part, that "*...[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion, and the basis for the county's decision is clear for purposes of reasoned judicial review.*"

The Alternative Access Memo (J.R. Engineering, November 20, 2025, Job No. 1595012) is not in the public R2 packet, the scoring on which the override rests is not in the record. To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/ day, design for rural residential unincorporated county use and has no funds allocated for improvement. However, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Orten Cavanagh referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.

- **SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."**

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's 3rd Technical Review found the access memorandum's justifications "not supported by any thorough analysis." The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative 1 vs. Alternative 7 multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. While the Surrey Ridge and Oak Hills communities expressly oppose any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"… a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone … is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and

confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS — APPLEBAUGH

Under the *Applebaugh* line of cases, the City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer

geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under Lazy Dog Ranch; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

> **Finding Requested.** Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comment received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat HOA, and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge HOA, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Under *Bd. of Cnty. Comm'rs of La Plata Cnty. v. Bowen/Edwards Assocs.*, 830 P.2d 1045, 1053–54 (Colo. 1992), an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition) before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address.

XII. REQUIRED NOTICE NOT PROVIDED

Mailed notice to adjacent property owners is required both the City of Lone Tree and Douglas County, including to owners that share a lot line even if across jurisdictional lines. The notice issue here runs on two parallel tracks across the four-application package, with different natural objectors:

Track A — SB25-0014 (Hillcamp Trail Final Plat)

Adjacent owners to the Hillcamp Drive / Hillcamp Trail alignment include The Retreat at RidgeGate (within Lone Tree city limits), Douglas County parcels along or near the proposed alignment, the McArthur Ranch parcels associated with the EVA access, and parcels along the retaining-wall corridor.

Track B — SB25-0009 and SB25-0010 (Preliminary Plans)

Surrey Ridge is geographically adjacent to the Preliminary Plan area governed by SB25-0009 and SB25-0010 - not to the road plat itself. Surrey Ridge owners did not receive individualized mailed notice for those Preliminary Plan applications. Surrey Ridge is the natural objector on those applications and preserves this defect on the record. The road plat (SB25-0014) exists to serve the development approved under SB25-0009 / SB25-0010; if the Preliminary Plan approvals are voidable for defective notice, the road serves no lawful purpose. The City cannot lawfully advance the road segment as if the procedural defects on the related applications it serves do not exist.

> **Finding Requested.** On Track A: the City must produce, on the record, an affidavit of mailed notice for SB25-0014, with each adjacent owner served (including unincorporated-County owners), with addresses and dates of service. On Track B: the City must produce the same affidavit for SB25-0009 and SB25-0010, with particular attention to individualized notice to Surrey Ridge owners in unincorporated Douglas County. Any deficiency on either track must be cured by re-noticed hearing before approval. Surrey Ridge preserves this Track-B objection on the present record.

XIII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 34-1-302 - independent Colorado Geological Survey slope-stability review of record, with the missing TH-103 boring completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Snyder / Resolution 22-05 - Comp Plan conformance findings on each implicated policy.

8. TIS findings - compliance with the City's study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; EVA operational analysis.
9. BGEPA / MBTA / CPW - CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. C.R.S. § 43-1-106 / § 24-65-103 - Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103.
11. 2020 Roadway Easement (Reception No. 2020069125) - scope analysis under Lazy Dog Ranch and Restatement (Third) § 4.10 placed in the record before approval.
12. Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
13. Applebaugh - resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
14. Bowen/Edwards - applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February 11, 2026 letter.
15. Deficient affidavit of mailed notice to all adjacent owners, including in unincorporated Douglas County.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

Dennis Closson, Shannon Closson

[Name / Title]

[Organization]

[Address, Phone, Email] 8440 Oak Ct
Castle Pines, CO 80108
571-969-8509 shannon.closson1@gmail.com

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL | Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL | Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

J·R ENGINEERING

TECHNICAL MEMORANDUM

Subject: Roadway Alignment Evaluation – Hillcamp Trail Extension (Plat Application SB25-0014)
Prepared for: City of Lone Tree Planning Division
Prepared by: JR Engineering - Kevin Rohrbough, PE
Date: November 20, 2025

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1. Purpose

This technical narrative supports the Hillcamp Trail roadway extension plat application by demonstrating how the selected roadway alignment has been thoroughly vetted and determined to be the least impactful option in accordance with the subdivision approval standards in **Sec. 17-5-20** and the purpose statements in **Sec. 17-1-20**, specifically:

- **Sec. 17-1-20(3):** Preservation and Conservation of Environmental Components
- **Sec. 17-1-20(4):** Consideration of Natural Resource Characteristics

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2. Historical Context and Timeline

The following provides additional context for the selected alignment, this section summarizes the coordinated planning efforts between RRMD, the developer, and the City of Lone Tree that led to the establishment of the current roadway corridor. These efforts span multiple years and reflect a proactive approach to securing necessary rights and refining the alignment in accordance with City standards and long-term development goals.

Key Timeline and Supporting Actions:

- **April–May 2017:**
  RRMD, in coordination with Merrick and the City's Public Works and Planning staff, developed and refined the preliminary alignment and typical section for the Cabela Drive – Hillcamp Trail extension. This included coordination with Century Communities, the developer of the Retreat.
- **2018:**
  RRMD secured Temporary Construction Easements and Drainage Easements from The Retreat at RidgeGate, LLC. These were recorded under Rec. Nos. 2018035185 and 2018045617, respectively. These easements were critical to allow for future construction and drainage infrastructure associated with the roadway extension.

- **2019:**
  Century Communities amended the RidgeGate Section 22, Filing No. 1 plat (Rec. No. 2019001939) to dedicate additional Right-of-Way (ROW) for the future Hillcamp Trail roadway extension. This amendment formalized the corridor needed for the extension and was recorded with the County.
    - RRMD, to provide transparency to the Retreat Residents, posted a large sign at the intersection of Viewside Drive and Cabela Drive that identified the future roadway extension and development.
- **2020:**
  As part of the West Open Space conveyance, RidgeGate Investments, Inc. (RGI), RRMD, and the City collaborated to transfer open space land to the City. Importantly, RGI retained a perpetual, non-exclusive, divisible, and assignable easement (Rec. No. 2020069125) over the conveyed property to preserve the right to construct and maintain roadways and utilities necessary to serve the RR-zoned residential property east of I-25. This easement was based on the previously coordinated preliminary alignment and anticipated utility extensions.

These milestones demonstrate that the current alignment reflects years of coordinated planning and proactive action. The necessary easements and ROW were secured to ensure the future extension of Cabela Drive could occur in a manner consistent with City standards and long-term development goals.

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3. Alignment Alternatives Considered

The Hillcamp Trail Alternatives Exhibit illustrates multiple alignments:

Hillcamp Trail Roadway Alignments Exhibit Sheet 1 of 2:

- **Green Line (Current Alignment):** Final proposed alignment that meets all City and fire access criteria. Refinements to the Blue Line were made through the detailed engineering process.
- **Blue Line (2017 Merrick Alignment):** Original preliminary alignment designed by Merrick & Company as part of the Retreat subdivision planning.

Roadway Access Alternatives Exhibit Sheet 2 of 2:

- **Green Line (Alternative 1):** The current alignment as proposed to access the development.
- **Magenta Line (Alternative 2):** A ranch road alignment recommended by the Retreat HOA.
- **Light Pink (Alternative 3):** Alternative alignment further east.

- **Light Blue Line (Alternative 4):** Evaluates a T-intersection with Cabela Drive and a roadway to access the northeast corner of the Site.
- **Dark Blue Line (Alternative 5):** Evaluates a connection from the north from behind the Cabela's commercial area.
- **Orange Line (Alternative 6):** Surrey Ridge alignment identified in the RidgeGate PD District, 7th Amendment.
- **Red Line (Alternative 7):** Surrey Ridge alignment evaluated to meet City and Fire Department roadway slope criteria.

All access points shown in the RidgeGate PDD were analyzed in greater detail, including one from the Retreat and one from Surrey Drive. The PDD document notes that **Major Circulation Elements are conceptual in nature and subject to modification and refinement**.

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4. Evaluation of Alternatives

Alternative Alignment 1 – Current Alignment (Green Line)

Roadway Length = 4,077 Linear Feet, Roadway Slope = 6.0%

- Meets all City and Fire Department access criteria.
- Most direct and accessible route for emergency services to access the Site. Emergency Services including South Metro Fire Station 34, located at Yosemite and Park Meadows Drive, and South Metro Fire Station 44 located at Lincoln and Peoria will have direct access to the Site without utilizing the single-lane underpass.
- Direct access to the Sky Ridge Medical Center for emergency services.
- Provides the length needed for City standard roadway slopes to access the top of the Site.
- Refined through on-site staking of roadway alignment and field visits, allowing the design team to shift the route to the south, further away from the Retreat subdivision.
- Alignment creates a natural berm at the northern end of the alignment, which will screen a portion of the roadway from Retreat residents closest to the roadway.
- Enhanced retaining wall materials, Rosetta Stone which is similar to those used at the Cabela's Shopping Center, will be utilized to assist with blending the retaining walls appearance into the natural environment.
- Landscape screening is utilized where the road emerges from the berm to further buffer views from Retreat residents. The roadway at this location is located approximately 50-feet above the Retreat homes further reducing the sound and visual impacts.
- 3D Modeling of the roadway confirms the berming and landscape buffering will accomplish a screening of the roadway to the existing Retreat residents.

- The alignment was carefully modified to avoid dense scrub oak stands and minimize impact to the existing natural drainageway, resulting in a route that balances constructability with environmental sensitivity.
- Grading impacts are shown with green shading and a green outline and were minimized through a detailed iterative design.
- Geotechnical Studies, including borings, have been completed along the alignment. The studies are utilized to ensure the long-term stability of the roadway. An additional Slope Stability Analysis was completed by the Geotechnical Engineer utilizing the final grading plan. A Geotechnical Engineer will be on-site to monitor activities during construction.
- Strategic retaining walls were added to tie into existing grades and reduce disturbance to the natural vegetation.
- The alignment leverages existing infrastructure, connecting to the commercial area and providing future residents with direct access to the RidgeGate community and I-25. This route avoids routing through the I-25 underpass, which is a one-lane, signalized access point.

Merrick Alignment (Blue Line)

Roadway Length = 4,245 Linear Feet, Roadway Slope = 6.0%

- Alignment was part of the original corridor studied during early planning phases.
- The Merrick alignment was a condition of approval for the Retreat subdivision, intended to provide a preliminary future design and was supported by signage and notification to residents.
- Right-of-way for the alignment was accounted for in the platting of the Retreat.
- At final design, the green alignment refines the preliminary Merrick alignment, making key adjustments to improve environmental performance and community compatibility.
- The blue alignment did not meet current City criteria for horizontal roadway curvature. The green alignment blends elements of traffic calming, reduces impacts to the natural vegetation, and increased separation from the Retreat residences.

Alternative Alignment 2 – Retreat HOA Alignment (Magenta Line)

Roadway Length = 1,708 Linear Feet, Roadway Slope = 8.0%

- Follows an old ranch access road that historically provided steep access to the flat grazing land at the top of the hill.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Roadway does not have the adequate length to reach the top of the hill and is too steep to meet grade requirements.
- Requires extensive cut and removal of significant scrub oak habitat.
- Environmentally and technically infeasible, and did not rise to the top in comparative analysis.

- Alignment visible by the residences at the Retreat, including potential headlights and tail lights seen by traveling vehicles up and down the roadway.

Alternative Alignment 3 (Purple Line)

Roadway Length = 1,179 Linear Feet, Roadway Slope = 11.9%

- Evaluates a T-intersection with Cabela Drive with an access to the northeastern corner.
- Roadway does not have the adequate length to reach the top of the hill and is too steep to meet grade requirements.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Requires extensive cut and removal of significant scrub oak habitat.
- Environmentally and technically infeasible.

Alternative Alignment 4 (Light Blue Line)

Roadway Length = 1,240 Linear Feet, Roadway Slope = 12.6%

- Evaluates a T-intersection with Cabela Drive with an access to the northeastern corner.
- Roadway does not have the adequate length to reach the top of the hill and is too steep to meet grade requirements.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Requires extensive cut and removal of significant scrub oak habitat.
- Environmentally and technically infeasible.

Alternative Alignment 5 (Dark Blue Line)

Roadway Length = 1,805 Linear Feet, Roadway Slope = 8.9%

- Evaluates access from the Cabela Shopping Center.
- The route does not connect to a public right-of-way, and goes across numerous private driveways within the shopping center.
- RRMD nor the City control the access along this route, and it is on adjacent private property.
- These private drives are not designed or constructed to accommodate the Hillcamp traffic.
- Untypical for residential development to utilize the rear of a shopping center for access into the Site when feasible and planned alternatives exist.
- Roadway does not have the adequate length to reach the top of the hill and is too steep to meet grade requirements.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Requires extensive cut and removal of significant scrub oak habitat.
- Non-public right-of-way access, environmental, and technically infeasible.

Alternative Alignment 6 – Surrey Ridge Alignment (Orange Line)

Roadway Length = 1,786Linear Feet, Roadway Slope = 9.8%

- Identified in the RidgeGate PD District, 7th Amendment.
- Avoided to preserve wildlife access to Happy Canyon Creek and the regional underpasses.
- Surrey Ridge Road is an existing local road with substandard roadway design criteria and access directly into the Surrey Ridge neighborhood to the south, and uses the one-way underpass with access going north.
- Wildlife reports indicate greater movement to the east, toward Happy Canyon Creek, rather than north toward existing development.
- Roadway does not have the adequate length to reach the top of the hill and is too steep to meet grade requirements.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Requires extensive cut to reach the top of the hill.
- Significant visual impact to the "bluffs-cliffs" from Interstate 25.
- Environmentally and technically infeasible.
- Choosing the Current Alignment (green) results in less impact to wildlife, as it connects to areas already developed.
- The eastern hillside can be reserved for minimal-impact trails and passive open space, supporting the East-West Trail and its connection to the regional HCC trail system.
- Provides significant emergency access concerns with connection to rural local roadway section to the south and single lane underpass to the north.

Alternative Alignment 7 – Surrey Ridge Alignment (Red Line)

Roadway Length = 3,717 Linear Feet, Roadway Slope = 4.7%

- Identified in the RidgeGate PD District, 7th Amendment.
- Difficult and indirect access for emergency vehicles to access the Site. Emergency vehicles will be required to utilize single-lane underpass to access the Site.
- Avoided to preserve wildlife access to Happy Canyon Creek and the regional underpasses.
- Surrey Ridge Road is an existing local road with substandard roadway design criteria and access directly into the Surrey Ridge neighborhood to the south, and uses the one-way underpass with access going north.
- Wildlife reports indicate greater movement to the east, toward Happy Canyon Creek, rather than north toward existing development.
- Roadway will have significant environmental and visual impacts to the "bluffs-cliffs" from Interstate 25.
- Evaluated using the same City and Fire Department criteria as other alternatives.
- Requires extensive cut and removal of significant scrub oak habitat.
- Environmentally infeasible.
- The eastern hillside can be reserved for minimal-impact trails and passive open space, supporting the East-West Trail and its connection to the regional HCC trail system.

- Provides significant emergency access concerns with connection to rural local roadway section to the south and single lane underpass to the north.

Summary Table

	Roadway Length (LF)	Maximum Roadway Grade	Meets Emergency Access Only Criteria	Meets Emergency Access Only Criteria
Alternate 1	4,077	6.0%	Yes	Yes
Alternate 2	1,708	8.0%	No	Yes
Alternate 3	1,179	11.9%	No	No
Alternate 4	1,240	12.6%	No	No
Alternate 5	1,805	8.9%	No	Yes
Alternate 6	1,786	9.8%	No	Yes
Alternate 7	3,717	4.7%	Yes	Yes

5. Conclusion

The selected green alignment has been thoroughly vetted through engineering analysis, environmental review, and community engagement. Using an **Avoid, Minimize, and Mitigate** design model, the team:

- **Avoided** sensitive areas by shifting the alignment away from the drainage draw and dense vegetation.
- **Minimized** disturbance through field staking, strategic retaining walls, and alignment refinements.
- **Mitigated** visual impacts by creating a natural berm and adding native landscaping and trees to buffer views from Retreat residents.

This alignment:

- Is the culmination of a multi-year planning effort with the City and the developer of the Retreat subdivision.
- Meets the City and Fire Department's standards and criteria.

- Provides the length needed for roadway slopes to access the top of the Site within City and Fire Department Criteria.
- Avoids significant grading cuts Preserves wildlife access and natural drainage features.
- Provides direct connectivity to existing development and the RidgeGate community.
- Enhances community integration by aligning the roadway with existing RidgeGate development and Community to the north.
- Avoids routing through the constrained I-25 underpass and the Surrey Ridge neighborhood.
- Reduces visual impacts through berming, enhanced landscaping, and planned screening.
- Enhanced retaining wall materials, Rosetta Stone which is similar to those used at the Cabela's Shopping Center, will be utilized to assist with blending the retaining walls appearance into the natural environment.
- Responds to community concerns with visual modeling and mitigation strategies.
- Is the least environmentally impactful of the alignments that meet City and Fire Department criteria.
- Supports future trail connectivity and open space preservation on the east side.
- Significant Soils Studies including a detailed Slope Stability Analysis reports have been prepared by the Geotechnical engineering to ensure the long-term stability of the roadway.
- Provides a safer and more accessible emergency access route for future residents.

This alignment best satisfies the intent of the subdivision code and supports the City's goals for responsible, connected, and environmentally sensitive development.

Attachments:

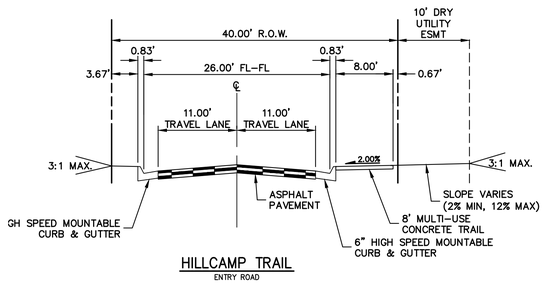
Hillcamp Trail Alternatives Exhibits



LEGEND

PROPOSED ALIGNMENT & LIMITS OF DISTURBANCE

MERRICK'S 2017 ALIGNMENT
(AS POSTED AT CABELA DR & VIEWSIDE DR INTERSECTION)



HILLCAMP TRAIL
ENTRY ROAD

100 50 0 100 200
ORIGINAL SCALE: 1" = 100'

ROADWAY ALIGNMENT
ALTERNATIVES EXHIBIT
HILLCAMP TRAIL
1595012
NOVEMBER 14, 2025
SHEET 1 OF 2

J·R ENGINEERING
A Westrian Company

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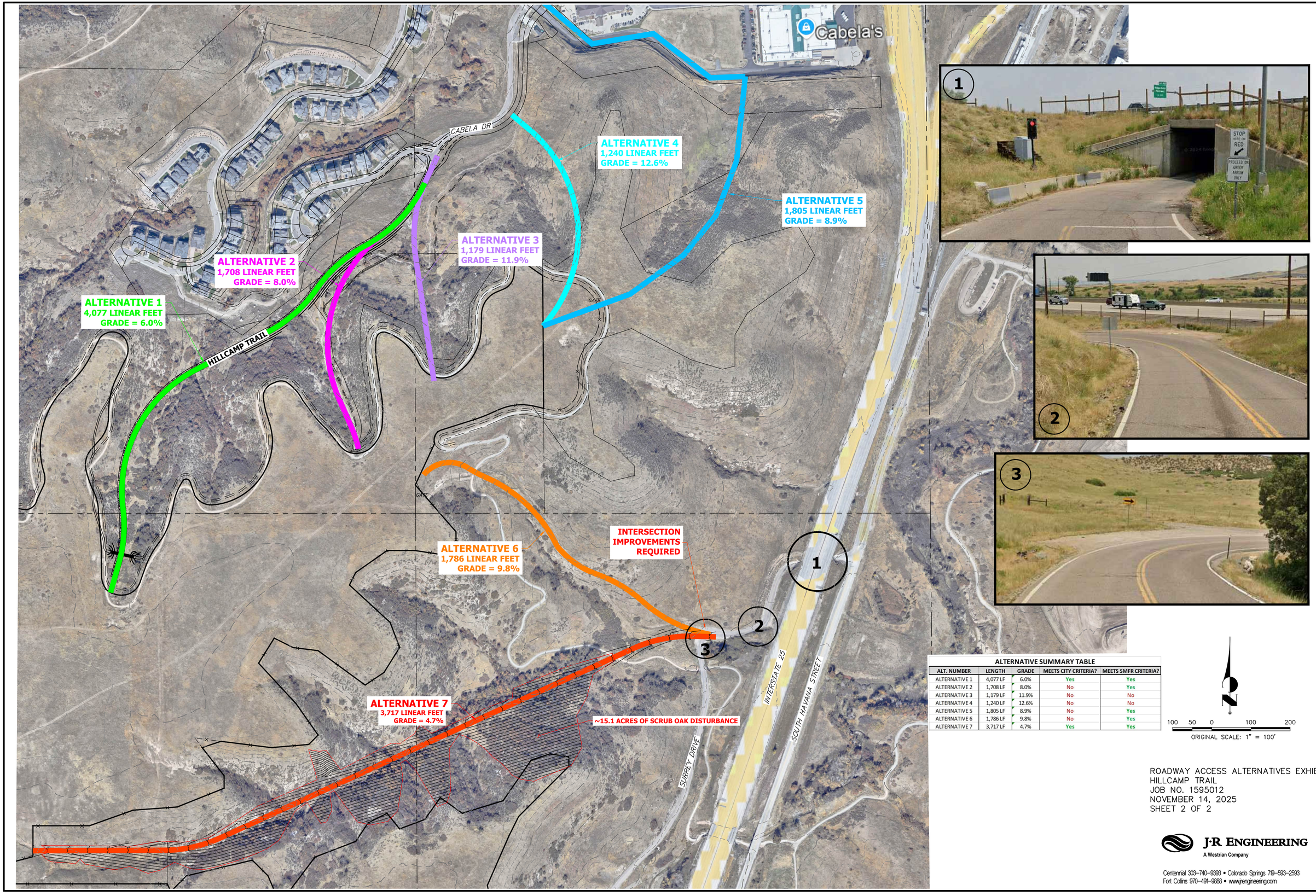

ALTERNATIVE SUMMARY TABLE

ALT. NUMBER	LENGTH	GRADE	MEETS CITY CRITERIA?	MEETS SMFR CRITERIA?
ALTERNATIVE 1	4,077 LF	6.0%	Yes	Yes
ALTERNATIVE 2	1,708 LF	8.0%	No	Yes
ALTERNATIVE 3	1,179 LF	11.9%	No	No
ALTERNATIVE 4	1,240 LF	12.6%	No	No
ALTERNATIVE 5	1,805 LF	8.9%	No	Yes
ALTERNATIVE 6	1,786 LF	9.8%	No	Yes
ALTERNATIVE 7	3,717 LF	4.7%	Yes	Yes

ROADWAY ACCESS ALTERNATIVES EXHIBIT
HILLCAMP TRAIL
JOB NO. 1595012
NOVEMBER 14, 2025
SHEET 2 OF 2

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May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

There are already numerous detailed documents, comments, and legal letters submitted by residents of The Retreat community and others. For that reason, I am keeping my comments high level while highlighting several important concerns, questions, and observations.

- First and foremost, I would reiterate the question raised by our legal counsel and many others: why have alternative routes — specifically the originally planned route off Havana identified in the PDD — not been investigated and researched as thoroughly as the proposed Hillcamp Trail route?

- It appears the extensive costs associated with Hillcamp Trail, including excavation, trail relocation, bridge construction, grading, and infrastructure work, could potentially be comparable to or even shared with improvements associated with the original Havana route.

- The Havana route would accomplish far more than simply providing access into Hillcamp. It could:
    - Create a larger and safer opening under I-25 like the underpass near Journey Church
    - Improve the dangerous Surrey Ridge underpass conditions
    - Potentially involve collaboration among the City of Lone Tree, Douglas County, and CDOT
    - Eliminate many of the concerns associated with extending Cabela Drive and constructing Hillcamp Trail behind existing neighborhoods

- There are major concerns regarding construction impacts and staging areas. Current plans appear to place fencing and staging activities throughout Tract M, which is a drainage tract adjacent to our neighborhood.

- It remains unclear:
    - How construction activities will safely circumvent Tract M
    - How a staging area can responsibly operate so close to sensitive drainage areas
    - How additional drainage infrastructure along the backs of homes and park space near Viewside will impact existing drainage problems

- Residents are already dealing with drainage issues in this area. Introducing additional drainage pipes and water infrastructure raises significant concerns, particularly given:
    - Existing ground movement
    - Prior water pipe failures on Tract C
    - The instability of the surrounding soils

- The proposed pedestrian bridge is highly invasive and concerning. The concept of a large, suspended bridge supported by posts installed in expansive and landslide-prone soils is alarming to many residents.

- Additionally, there does not appear to be any formal agreement confirming Douglas County's responsibility for bridge maintenance. The developer references only an informal email chain discussing whether large trucks could cross the bridge, which does not constitute a maintenance commitment.

- The extensive drainage system proposed by the developer is also deeply concerning. Portions appear to run alongside Tract C, an area currently owned by Retreat at Ridgegate LLC and tied up in ongoing litigation stemming from the 2024 water pipe failure.

- Tract C has already experienced a catastrophic slope failure that costs millions of dollars to repair, including:
    - Re-excavation work
    - Reconstruction of the water line serving hydrants on Bluffside and Viewside
    - Continued emergency response measures

- The Retreat community has been on tender truck fire response for nearly two years because the damaged water line has not yet been restored.

- Introducing additional water infrastructure into this landslide-prone environment poses serious risks not only to The Retreat community but also to the City of Lone Tree, which would eventually inherit responsibility for maintaining Hillcamp Trail.

- The City previously spent approximately $200,000 from its emergency funds to stabilize only a small portion of hillside failure. Hillcamp Trail spans miles of similarly sensitive terrain, and the financial exposure associated with future failures could be enormous.

- The City's newly proposed fire restrictions further highlight the risks associated with this development.

- Serious concerns remain regarding:
    - Wildfire evacuation capacity
    - Limited roadway widths
    - Fire truck access
    - Water pressure limitations
    - The safety of adding hundreds of additional homes in a high-risk area

- Current conditions already leave The Retreat dependent on tender truck fire response due to insufficient hydrant pressure. Adding approximately 343 additional homes in Hillcamp while relying on narrow evacuation routes creates what feels like a potential disaster scenario in today's wildfire environment.
- When this area was originally planned and annexed, suburban wildfire destruction was not occurring at the scale we see today throughout the western United States.

- Residents are also increasingly concerned about:
    - Rising insurance challenges

    - HOA insurance costs
    - Increased fire risk associated with dense development immediately west and above The Retreat

- Our concerns extend far beyond simply having a road behind the neighborhood. We are deeply concerned about:
    - Blasting
    - Excavation
    - Ground disturbance
    - Water introduction
    - Landslide potential
    - Long-term infrastructure stability

- The developer's plans continue to include landscaping and irrigation despite the City previously directing them not to introduce water to these slopes. In rebuttal comments, the developer indicated they still intend to provide water for trees and landscaping.

- This creates the impression that the developer remains singularly focused on the Hillcamp Trail route rather than meaningfully evaluating safer and less invasive alternatives.

- The alternative Havana route deserves serious reconsideration because:
    - Existing utility infrastructure is already present in that corridor
    - The area will already experience disturbance from infrastructure improvements
    - It avoids placing a roadway directly behind existing homes
    - It offers a shorter route with less grade
    - It improves broader regional connectivity and safety
    - It avoids disturbing highly landslide-prone terrain adjacent to existing neighborhoods

- The "wildlife corridor" argument being used against the Havana route is difficult to reconcile given that the area is already planned for infrastructure disturbance and utility work.

- Simply because signage was posted or the developer originally preferred this route does not mean it is the best or safest long-term solution for the City of Lone Tree and surrounding residents.

- I urge the City of Lone Tree to carefully evaluate the substantial risks associated with disturbing this landslide-prone area and to fully explore safer, less invasive alternatives — particularly the originally planned Havana route.

Orten Cavanagh Holmes & Hunt, LLC
ATTORNEYS AT LAW

Jonah G. Hunt
Direct: 720-221-9783
jhunt@ochhoalaw.com

May 26, 2026

Via U.S. Mail and Email (***chuck.darnell@cityoflonetree.com***)

Chuck Darnell
Senior Planner
City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, Colorado 80124

Re: The Retreat at RidgeGate Homeowners Association
Referral Response to Hillcamp / Southridge March 27, 2026 Resubmittal 2 Packet
Our File No.: 3124.0005

To Whom It May Concern:

Orten Cavanagh Holmes & Hunt, LLC is legal counsel to The Retreat at RidgeGate Homeowners Association (the "Retreat"). The Retreat submits its referral response in opposition to the applicant's March 27, 2026, Resubmittal 2 packet for the Hillcamp - Southridge development.

I. Summary

The Retreat's review, as articulated in its responses on the record, has identified multiple substantive defects that provide strong grounds for denial on the face of the application and, if approved, would mandate a challenge under C.R.C.P. 106(a)(4). Here, however, it has focused its response specifically to maintain that the main access road for the proposed development cannot be located with the Retreat for the reasons stated herein.

II. Unauthorized Planned Development District Deviation

The RidgeGate PDD 7th Amendment, sheet 7 of 8 (recorded Feb. 21, 2020, Reception No. 2020012568) designated the 'Main Access Road' for any mesa top development as coming off of Surrey Ridge Drive. This main access road has been in the same location through all previous iterations of the PDDs going back to 2000. The Hillcamp / Cabela end has never been depicted or designated as an access point in any of the seven RidgeGate PDD amendments.

The applicant's chosen alignment for SB25-0014 abandons the PDD-designated Surrey Ridge access on the asserted ground of "environmental infeasibility," even though the applicant routes a 12-inch Zone 3 water transmission main serving the same 343-home development through that

same corridor.[1] If the corridor can accommodate a 12-inch transmission main, it can accommodate a roadway.[2] The City's Technical Review found the access memorandum's justifications were unsupported, and the contemporaneous water-main routing converts that finding from "unsupported" to pretext. The applicant's own infrastructure decisions prove the corridor is feasible and thus contradict their own "environmental infeasibility" argument. The developer likely finds the costs associated with the I-25 underpass improvements that would be required by the PDD-designated alignment to be "fiscally inconvenient". Ultimately, the applicant cannot credibly assert that environmental impacts preclude roadway construction while simultaneously planning significant water infrastructure through the identical corridor.

The developer also introduces new collector-road access at the Cabela end, where no PDD has ever contemplated one. The applicant's justification cite the PDD's disclaimer, "Major circulation elements shown are conceptual in nature and subject to modification and refinement." However, in fifteen years of RidgeGate development, this disclaimer has not supported the introduction of major circulation outside the PDD-depicted network. No PDD amendment was sought or obtained to authorize this deviation. This represents a fundamental departure from the City's own requirements and standards.

Aerial comparisons between the PDDs over the years are attached as **Exhibit A**, and include:

1. PDD 3, recorded on June, 23rd, 2011;
2. PDD 7, recorded on Feb 21st, 2020; and
3. Satellite image from May 17th, 2026.

The consistency of the actual design of these roads, with no major changes between PDDs, is self-evident. The developer's proposed major deviation for Hillcamp Drive has *not* been amended on the PDD. While the developer has argued that PDDs are conceptual in nature and susceptibility to modification and refinement, in actuality, the PDDs have been closely followed for all major circulation roads in Lone Tree, including the ones at issue here.

III. Access and Alignments

The applicant alternatively asserts that Alignment 7 is infeasible due to the single-lane I-25 underpass connecting Havana Street and Surrey Ridge Drive yet also relies on that same route to support emergency access through Surrey Ridge. That position is internally inconsistent: if the underpass is inadequate for primary access due to safety or capacity concerns, it cannot logically satisfy emergency access requirements. Nor can cost or inconvenience justify this contradiction,

[1] Resident Comment Letter, R. Guadarrama, May 26, 2026.
[2] Concerned Residents of Surrey Ridge Referral Response, May 26, 2026.

particularly where underpass expansion has precedent in Douglas County and where RRMD and its affiliates control substantial adjacent RidgeGate properties that would directly benefit from such improvements. The application contains many internal contradictions regarding emergency access and fails to demonstrate any legally secured access point for the proposed 343-home development. An access point summary is as follows:

Claimed Access	Legal Status	Analysis
Hillcamp Drive (Primary)	**PROPOSED, NOT SECURED**	Part of this pending application; extension has not been approved; no HOA consent; overburdening
Surrey Ridge / N. Heather Dr.	**NOT SECURED**	No recorded easement or ROW; road dead-ends at property; developer admits access 'will likely become EVA only through the use process'; no HOA consent
McArthur Ranch	**NOT SECURED**	1999 easement limited to 'driveway purposes' for Tract 56 only; 25-ft gravel single-lane inadequate; no consent; overburdening

The Hillcamp development has not confirmed, legally enforceable secondary or emergency access, despite repeated claims that such access "will be provided." No recorded easement, right-of-way dedication, access agreement, or HOA authorization exists for use of Surrey Ridge roads, and N. Heather Drive simply dead-ends at the project boundary.

The developer's reliance on a 1999 non-exclusive driveway easement through McArthur Ranch ('Non-Exclusive Easement for Driveway Purposes' Douglas County Recording No. 99014022, February 4, 1999) is likewise insufficient: the easement is expressly limited to driveway access and utilities for a specific tract, does not include Hillcamp residents, and consists of a narrow, single-lane gravel roadway that does not meet fire code standards for emergency evacuation of a 343-home subdivision. Use of that easement for mass evacuation would constitute impermissible overburdening, and McArthur Ranch has provided no consent.

Because Hillcamp lacks any legally recorded secondary or emergency access, the project fails to meet the City's subdivision requirements and cannot be lawfully approved based on speculative future access.

IV. Easement Intent, Scope, and Overburdening

In 2019, Rampart Range Metropolitan District No. 1 granted RidgeGate Investments a blanket easement across portions of the property. Based on the materials produced to date, it is unclear whether the City ever conducted a substantive analysis of the easement's long-term scope, potential intensity of use, or future roadway implications before accepting the conveyance. The

only responsive records the Retreat has obtained consist of City Council meeting minutes and study session materials.

The developer now relies on this blanket easement as the legal basis for construction of a substantial access roadway, Hillcamp Drive, intended to serve a large residential subdivision. Based on a review of the proposed plans, the contemplated roadway far exceeds routine or incidental access. The proposal would require extensive grading and earthwork, large cut-and-fill operations, retaining walls, drainage modifications, prolonged heavy construction activity, permanently increased traffic volumes, and long-term impacts to designated open space and wildlife corridors. These impacts represent a material intensification of use not evident from the face of the original easement grant.

The proposed Hillcamp Drive roadway likely constitutes an impermissible overburdening of the servient estate under Colorado law. However, the R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question. The easement itself contains no defined alignment, width, or roadway design specifications. Colorado courts construe blanket easements narrowly and limit use to that which is reasonable and consistent with the intent of the grantor at the time of conveyance.

Colorado case law prohibits expansions in use that materially increase the burden on the servient estate in intensity, permanence, or character. *Lazy Dog Ranch v. Telluray Ranch Corp*., 965 P.2d 1229, 1238 (1998); *see also* Restatement (Third) of Property: Servitudes § 4.10, which expressly prohibits easement holders from unreasonably increasing the burden on the servient estate beyond what was originally contemplated.

While the proposed roadway undoubtedly result in significantly more daily trips on a permanent basis, constructing a major thoroughfare through a quiet subdivision, what makes it legally impermissible is that the proposed use is substantially broader, different from, and uncontemplated at the time of the easement's creation. *Westland Nursing Home, Inc. v. Benson*, 517 P.2d 862, 867 (1974) ("no use may be made of the right of way, different from that established at the time of its creation, which imposes an additional burden upon the servient estate"). This substantial, uncontemplated use is not within "the normal evolution in the use of the dominant estate" and should not be countenanced by the City. *Cielo Vista Ranch I, LLC v. Alire*, 2018 COA 160, ¶ 114, citing 4 Herbert Tiffany, *Real Property* § 1209, Westlaw, 3d ed., Sept. 2018.

V. Conclusion

The Retreat respectfully requests that the City deny or substantially condition the application based on current concerns and deficiencies.

The Retreat further requests that the City issue written findings on the record which are "sufficiently specific to ensure that any action taken by [the] county [is] rational and consistent and that judicial review of that action will be available and effective… and to provide all users and

potential users of land with notice of the particular standards and requirements imposed by the county for approval." *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1348 (1996); *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9, an approval that lacks competent evidence in the record is an abuse of discretion; and C.R.S. 38-28-133.5 ("The denial of a plat, plan, or agreement shall be supported by written findings specifying the provisions that the plat, plan, or agreement failed to address or satisfy.")

Thank you for your attention to this matter.

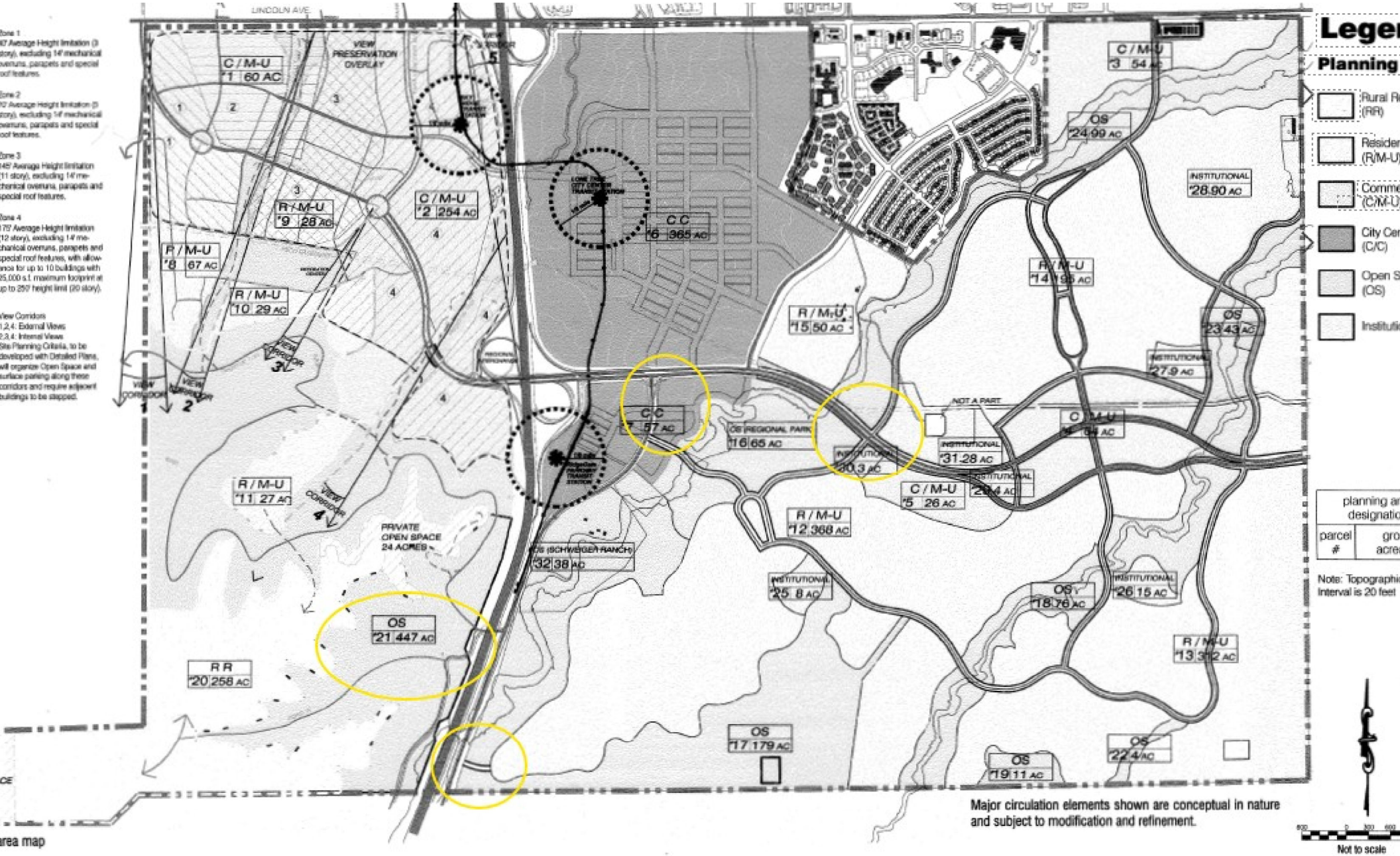
Sincerely,

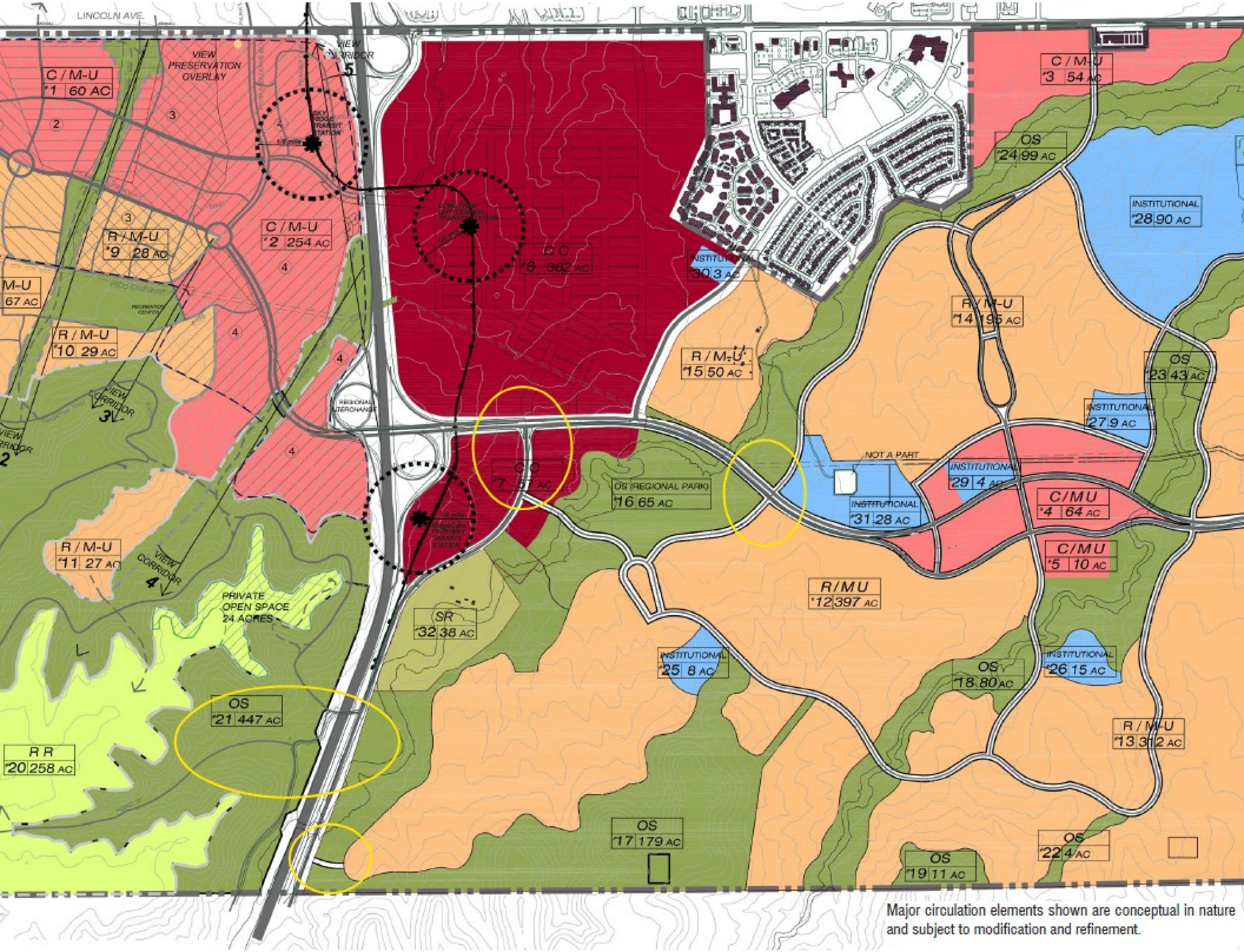


Jonah G. Hunt
ORTEN CAVANAGH HOLMES & HUNT, LLC

JGH/sb

cc: The Retreat at RidgeGate Homeowners Association, Board of Directors
Enc. – Exhibit A


Zone 1
87' Average Height limitation (3 story), excluding 14' mechanical overruns, parapets and special roof features.
Zone 2
92' Average Height limitation (3 story), excluding 14' mechanical overruns, parapets and special roof features.
Zone 3
145' Average Height limitation (11 story), excluding 14' mechanical overruns, parapets and special roof features.
Zone 4
175' Average Height limitation (12 story), excluding 14' mechanical overruns, parapets and special roof features, with allowance for up to 10 buildings with 25,000 s.f. maximum footprint at up to 250' height limit (20 story).
View Corridors
1,2,4: External Views
2,3,4: Internal Views
Site Planning Criteria, to be developed with Detailed Plans, will organize Open Space and surface parking along these corridors and require adjacent buildings to be stepped.
LINCOLN AVE
VIEW PRESERVATION OVERLAY
C / M-U *1 60 AC
R / M-U *9 28 AC
C / M-U *2 254 AC
C C *6 365 AC
R / M-U *8 67 AC
R / M-U *10 29 AC
R / M-U *11 27 AC
C C *7 57 AC
OS REGIONAL PARK *16 65 AC
PRIVATE OPEN SPACE 24 ACRES
OS (SCHWEIGER RANCH) *32 38 AC
OS *21 447 AC
RR *20 258 AC
OS *17 179 AC
R / M-U *15 50 AC
C / M-U *3 54 AC
OS *24 99 AC
INSTITUTIONAL *28 90 AC
R / M-U *14 19 AC
OS 23 43 AC
INSTITUTIONAL 27 9 AC
NOT A PART
INSTITUTIONAL *31 28 AC
INSTITUTIONAL 20 3 AC
INSTITUTIONAL 28 4 AC
C / M-U *5 26 AC
R / M-U *12 368 AC
INSTITUTIONAL *25 8 AC
OS 18 76 AC
INSTITUTIONAL *26 15 AC
R / M-U *13 312 AC
OS 22 4 AC
OS *19 11 AC
Major circulation elements shown are conceptual in nature and subject to modification and refinement.
Not to scale



Major circulation elements shown are conceptual in nature and subject to modification and refinement.


oordinates, scene IDs
pload area

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree

Community Development Department

Attn: Chuck Darnell, Principal Planner

9220 Kimmer Drive, Suite 100

Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications. In addition to the comments below we would like to point out that we live on Clydesdale Road and this would impact us tremendously. We are a family of 4 and our children are 5 and 7 years old. At the current state we are already worried about the growing traffic on our road. When there is an accident on I-25 our street is slammed with those trying to avoid the interstate delays. This development will eventually (if not initially planned) be using our neighborhood roads and we are very opposed to any further development.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistently with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105 (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 43-1-106 / C.R.S.A. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which requires every planned unit development to be evaluated against, and to be consistent with the standards and conditions set forth in the adopting resolution or ordinance, and under *Friends of the Black Forest Preservation Plan, Inc. v. Board of County Commissioners of El Paso County*, 2016 COA 54, 381 P.3d 396, which vacated a land-use approval under C.R.C.P. 106(a)(4) where the record fails to support the approval criteria. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-304 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.

- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the §29-20-304 finding has not yet been made.

Finding Requested. Given material deficiencies and the impact to adjacent land owners with wells as well as ability to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. §29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On *April 21, 2026, the* Lone Tree City Council adopted the Colorado Wildfire Resiliency Code on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103, a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at

the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under §302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

Finding Requested. The City must make the §302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR §403 / §404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3100+ cars onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It will also cause near certain deaths if a fire emergency were to occur. The developer's argument that an access to Surrey Ridge would protect those residents, is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1000 cars based on the household density in the application. This is not a true safety measure.

Finding Requested. The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life

safety elements leaves the local government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. §29-20-305 (Section I above). All findings are missing.

Finding Requested. The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC §403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC §D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.

"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.

"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location." — Community Response Letter (March 27, 2026), Emergency Vehicle Access section.

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC §403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

Finding Requested. The City must obtain an SMFR §403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC §404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes..."* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

Finding Requested. The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5

/ 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

Finding Requested. The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

Finding Requested. The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer’s geotechnical record insufficient.

"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan. The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and The Retreat at Ridgegate's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL│Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

" The purpose of our investigation was to evaluate subsurface conditions to assist in due

diligence assessment and ***preliminary*** *planning of site development and construction and as-*

sess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].

" Site slopes are very steep, precluding rig access in many locations. Our boring locations

were selected in areas we could safely access." — Id. p. 6.

"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones…" — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, “Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope.” *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11*. The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer’s own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer’s low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL│Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside (subject of Southgate Water v. Century Communities), the record cannot support a competent finding under C.R.S. §30-28-136.

Finding Requested. C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer’s "planning purposes only" qualifier cured, before approval. C.R.S. § 29-20-104 authorizes the City to deny

development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY — CEILING, NOT ENTITLEMENT (C.R.S. § 24-67-105)

C.R.S. § 24-67-105 establishes maximum PDD density as a *ceiling* and grants the City *"wide discretion to negotiate all aspects."* The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks entirely from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

Finding Requested. The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating maximum PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder, 927 P.2d 1339, 1348 (Colo. 1996),* the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds

notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

Finding Requested. The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id*.

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at

RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

Finding Requested. The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south…" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1*.

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3000 trips to an already overloaded rural street routing to a highway containing a failing traffic grade of F at one end and significantly increased density at the other (Church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear we will be trapped as we are occasionally in the mornings when we try to drive our children to school, and were as recently as on May 15, 2026, watching cars wandering our interior streets backed up all the way to the interior of our neighborhood hoping to navigate around standstill traffic. The Colorado Supreme Court in *Board of County Commissioners of Routt County v. O'Dell*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs*, it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County’s prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202

implicates the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County *Public Works* consent.

Two additional property-rights instruments narrow the record further. First, the recorded 1999 "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract, not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* That is not related to the EVA nor consent, narrow in scope, from the wrong department, only for F-350 maintenance access to the pedestrian bridge. It is not consent under § 43-1-106 for County-road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Parks & Rec's narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat HOA. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

Finding Requested. The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under Lazy Dog Ranch; and (d) require an independent review of the post-Tract-M water-quality

redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Surrey Ridge Drive, the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.

"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. Colo. Rev. Stat. Ann. § 30-28-106(1). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), in part, that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/ day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Orten Cavanagh referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

Finding Requested. The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace

a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL│Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — *Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat)*.

"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — *Id*.

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S.

conclusions are the developer's consultant's, not an independent Corps determination of record.

Finding Requested. The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. … Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under Lazy Dog Ranch; SAP variance and amendment

procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that, the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comment received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat HOA, and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge HOA, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Colorado Rules of Civil Procedure (C.R.C.P.) 106(a)(4)*, an approval that lacks competent evidence in the record is an abuse of discretion.

Finding Requested. The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address.

XII. REQUIRED NOTICE NOT PROVIDED

In the City of Lone Tree, a Planned Development District (PDD) amendment is treated as a rezoning application as a PDD functions as its own localized zoning designation, any amendment to it changes the underlying regulations and requires the same formal public review process as a standard rezoning. Sec. 16-15-20. Further, Lone Tree City Zoning Code requires public notice be provided to adjacent landowners within two hundred (200) feet of the land proposed for zoning or rezoning within fifteen (15) days prior to the Planning Commission hearing, and again the same timeframe prior to the City Council Hearing. Sec. 16-15-80. The Surrey Ridge community has not received any formal notice of the adjacent development as of the second referral submission. It seems the City's land use code inherently deprives its residents (and those in neighboring unincorporated lots), of due process and the opportunity to participate with meaningful project review and response in writing prior to Planning Commission review when a project is in stages when feedback can be incorporated during project design without incurring more expensive and difficult changes. The City and developer would have been well served to engage adjacent communities from the onset instead of when the project has already generated voluminous documents to support four applications, and is at the late stage of construction documents.

The notice issue here runs on two parallel tracks across the four-application package, with different natural objectors:

Track A — SB25-0014 (Hillcamp Trail Final Plat)

Adjacent owners to the Hillcamp Drive / Hillcamp Trail alignment include The Retreat at RidgeGate (within Lone Tree city limits), Douglas County parcels along or near the proposed alignment, the McArthur Ranch parcels associated with the EVA access, and parcels along the retaining-wall corridor.

Track B — SB25-0009 and SB25-0010 (Preliminary Plans)

Surrey Ridge is geographically adjacent to the Preliminary Plan area governed by SB25-0009 and SB25-0010 - not to the road plat itself. Surrey Ridge owners did not receive individualized mailed notice for those Preliminary Plan applications. Surrey Ridge is the natural objector on those applications and preserves this defect on the record. The road plat (SB25-0014) exists to serve the development approved under SB25-0009 / SB25-0010; if the Preliminary Plan approvals are voidable for defective notice, the road serves no lawful purpose. The City cannot lawfully advance the road segment as if the procedural defects on the related applications it serves do not exist.

Finding Requested. On Track A: the developer should produce, on the record, an affidavit of mailed notice for SB25-0014, with each adjacent owner served (including unincorporated-County owners), with addresses and dates of service. On Track B: the developer should produce the same affidavit for SB25-0009 and SB25-0010, with particular attention to individualized notice to Surrey Ridge owners in unincorporated Douglas County. Any deficiency on either track should be cured by providing adjacent landowners with sufficient notice to engage the referral process before that closes and goes to the Planning Commission for recommendation. Surrey Ridge preserves this Track-B objection on the present record.

XIII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

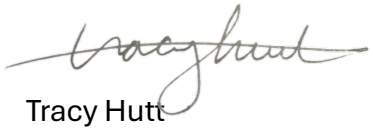
The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,



Tracy Hutt

9265 Clydesdale Road, Castle Rock, CO 80801

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL│Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL│Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

/S/

A Concerned Resident of
Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 26, 2026

City of Lone Tree
Community Development Department
Attn: Chuck Darnell, Principal Planner
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Re: Referral-Period Comments, Hillcamp / Southridge Preserve, Resubmittal 2 (March 27, 2026)

Dear Members of the Planning Commission and City Council:

I submit these comments on the developer's March 27, 2026, Resubmittal 2 packet for the Hillcamp / Southridge Preserve development (the **"Project"**) as a resident of the Surrey Ridge community. The comments are timely filed within the second-referral comment period and are intended to become part of the administrative record for the four pending applications.

The Project proposes 343 single-family detached lots on approximately 392 acres located on a landlocked parcel atop the mesa tops in a high wind location with no water, and an adjacent landslide, straddling the RidgeGate 7th Amendment PDD (**"RGPD"**) and the Southridge Preserve PDD (**"SPPD"**), accessed primarily via Hillcamp Trail (the extension of Cabela Drive) to RidgeGate Parkway, with proposed emergency-vehicle-only access (**"EVA"**) from McArthur Drive to the west and from N. Heather Drive to the south.

Approval will occur *after* the City of Lone Tree's adoption of the Colorado Wildfire Resiliency Code (**"CWRC"**) on second reading on April 21, 2026 (effective July 1, 2026). On the record now before the City, the Project application cannot be approved consistent with C.R.S. § 29-20-304 (water adequacy), C.R.S. § 34-1-302 (geological hazards), C.R.S. § 24-67-105(4) (PDD density findings), the CWRC, the IFC second-access requirement, the RidgeGate PDD Main Access Road designation, and C.R.S. § 24-65.1-103 (Douglas County Hazard Mitigation Plan). The deficiencies are not policy preferences but required findings the City must make on the record before any approval.

We further note that The Retreat at RidgeGate Homeowners Association, also opposes these four applications. Surrey Ridge's opposition and The Retreat's opposition arise from different property interests but converge on the same statutory and code grounds: failure of approval criteria, PDD inconsistency under C.R.S. § 24-67-105, which every planned unit development is to be evaluated against, and not to be inconsistent with the standards and conditions set forth in the adopting resolution or ordinance. In this case, the record demonstrates the Colorado Geological Survey's January 30, 2026, insufficiency finding, the developer's decline to respond to referral agencies in this second referral submission, as the City directed, and procedural notice defects across the four-application package. The City should treat the convergence as evidence that the deficiencies are not isolated objections but systemic record gaps the applicant has chosen to leave on the record.

I. WATER ADEQUACY - MANDATORY JURISDICTIONAL FINDING (C.R.S. § 29-20-304)

C.R.S. § 29-20-303 provides that a municipality *"shall not"* approve a development without an adequate water supply finding plan demonstrating water availability, dependability, and infrastructure capability. This is mandatory, not discretionary. No City or State Engineer determination exists in the record.

The developer's Off-Site Utility Report (Merrick Project No. 100618, March 2026) discloses material vulnerabilities in the proposed supply that the City must make findings on:

- Two PWSD sources: Zone 2 (via the proposed new Hillcamp Booster Pump Station ["HCBPS"], pressurized from RidgeGate) and Zone 3 (gravity-fed).
- The Zone 3 transmission main is "connected at the north end of the Canyons development and routed through the future Freshfields development." One of two "redundant" sources thus depends on a development that does not yet exist.
- The Off-Site Utility Report concedes that "Zone 3 water storage tanks … already have trouble balancing hydraulic grade lines during high demand periods under pre-development conditions" — i.e., the system the developer plans to rely on is already strained without Hillcamp's 343-home load.
- The new HCBPS, multiple parallel transmission lines (260 LF of 6" DIP, 366 LF of 12" PVC, 3,474 LF of 12" DIP, 13,520 LF of 16" PVC, 8,601 LF of 16" DIP), an I-25 crossing, 17 fire hydrants and 12 air-release valves must all be built before the supply is actual rather than theoretical.

In parallel, the Southridge City Response Letter (March 27, 2026) confirms that "Water supply evaluation, confirmed by PWSD and SMFR, required prior to plat approval," the City's own acknowledgement that the § 29-20-304 finding has not yet been made.

> **Finding Requested.** Given material deficiencies and the impact to adjacent land owners with wells as well as necessity to mitigate fire risk, the City should either make a determination of what is required of the developer before resubmitting for further referral processes or refer the Project to the State Engineer for a formal C.R.S. § 29-20-304 adequate-water-supply determination (and include the determination in the record before approval). The City must also make a separate CWRC §402 conforming-water-supply finding (see Section II.D).

II. FIRE AND LIFE SAFETY - REQUIRED FINDINGS (CWRC; IFC § D107.1)

A. Lone Tree CWRC Adoption (April 21, 2026; Effective July 1, 2026) Governs at Approval

On April 21, 2026, the Lone Tree City Council adopted the Colorado Wildfire Resiliency Code ("CWRC") on second reading, with an *effective date of July 1, 2026*. The CWRC implements the state Wildfire Resiliency Code Board rule (8 CCR 1507-39, promulgated under SB 23-166) and the City's Community Wildfire Protection Plan (adopted June 17, 2025). The CWRC governs new construction, additions, substantial improvements, and *new subdivisions and planned unit developments* within designated WUI areas.

The Project lacks materiality in the current applications that requires further review. Final Plat approval and building-permit issuance, will occur *after* the City has adopted the Code and after CWRC's July 1, 2026, effective date. Under C.R.S. § 24-68-103(1)(b), a Colorado statutory vested property right attaches only upon conditional or formal approval of a site-specific development plan, which has not occurred. The CWRC is the governing code at the time the City must make its findings. Preliminary approval that is internally inconsistent with CWRC compliance is ripe for challenge because it rests on infeasibility.

B. CWRC § 302.1 - Fire Intensity Classification

CWRC § 302.1 requires the City to declare the WUI areas within its jurisdiction based on findings of fact, recorded on publicly inspectable maps. The City's February 2026 staff report to City Council on CWRC adoption classifies all WUI areas within Lone Tree as either Class I (High Intensity) or Class II (Moderate Intensity) - there is no Class III (Low) designation. Lone Tree's Staff Report to the City Council, dated January 2026, stated, in part, "Lone Tree has identified wildfire risk mitigation as a priority in the Regional Hazard Mitigation Plan for almost a decade." *Staff Report: Overview of Colorado Wildfire Resiliency Code, Colorado Wildfire Resiliency Code Map, and Associated Proposed Minor Amendments to Municipal Code p.7, January 2, 2026*. The developer's own Wildfire Mitigation Plan (HPTT 2025) characterizes the surrounding fuels environment as a wildfire-prone area with confirmed "breaches of the HIZ" (Home Ignition Zone) in adjacent Surrey Ridge and McArthur Ranch communities. The R2 packet does not classify the parcel under § 302.1; instead the SAP pushes wildfire mitigation to a future Development Agreement.

> **Finding Requested.** The City must make the § 302.1 Fire Intensity Classification finding for the Hillcamp parcel on the record before approval and place the Colorado Wildfire Resiliency Map (CWRM) GIS layer for this parcel into the record. The City must also require an SMFR § 403 / § 404 adequacy memo on the present plan geometry. The classification finding is a finding of fact the City, not the applicant, must make.

C. IFC Appendix D § D107.1 - Two Fire-Apparatus Access Roads

IFC § D107.1 requires two fire-apparatus access roads for developments exceeding 30 dwelling units. The Project proposes 343 homes on a landlocked mesa-top with high winds, served by a single public collector (Hillcamp Trail / Cabela Drive extension) and exceeds this 30-unit threshold by more than 1,000%.

Using Hillcamp Drive (an extension of Cabela Drive) as the primary public route funnels 343 homes onto a single collector. A development of this scale sitting on a mesa-top poses a severe public safety risk if a wildfire or vehicle incident blocks that sole roadway. Further, the geography of the Lone Tree Bluffs area, a high, exposed mesa-top, is known for high winds. High winds cause fires to spread exponentially faster, meaning evacuation routes must be highly reliable, wide enough for two-way traffic, and clear of hazards.

Utilizing the McArthur Ranch Emergency Vehicle Access ("EVA") road as a secondary option for 343 homes presents its own set of problems. Standard fire apparatus roads require a minimum unobstructed width (usually 20 to 26 feet depending on the jurisdiction) and strict slope limits. Because the McArthur EVA is reportedly deficient in both slope (roughly 10%) and width (narrow), standard fire engines and heavy rescue vehicles may be unable to navigate it, rendering it unsafe as a true secondary means of egress. Moreover, Surrey Ridge opposes *any* connection to the neighborhood given unfunded traffic, roadway and fire impacts.

Douglas County owns rights of way between the Project and proposed access points; and, it seems, those areas will not be paved, and thus not meet SMFR's requirements. Further, we did not see a referral from Douglas County planning approving such use of its right of way.

SMFR's February 4, 2026, referral letter identifies open code violations and is conditional, not an unconditional AHJ approval. No SMFR concurrence letter is in the R2 packet. The R2 SAP recites only that *"All roadways shall meet the emergency access requirements of South Metro Fire Rescue."* R2 SAP, § 2.11.3 (Public and Private Ownership and Maintenance of Roadways), p. 35. That statement is a recital, no facts exist and it is not approval.

On May 15, 2026, a fatal accident occurred on I-25 between Happy Canyon and Castle Pines Parkway exits (the south exit that would serve a Surrey Ridge EVA), shutting down the highway for at least three (3) hours. Residents were stuck on the roads from Lone Tree down to Castle Rock downtown, because arterial access roads abutting the highway, including use of the ones proposed, are not sufficient to handle the existing vehicle load. Adding 3,100+ trips onto unfunded, rural roads rated for 400 cars, in an already deficient traffic scenario violates the City's obligations to protect its citizens and their property. It could result in deaths if a fire emergency were to occur. The developer's argument that an additional access to Surrey Ridge through the Hillcamp development, would protect those residents is a thinly veiled guise to get the approval they need to start construction. There is no modeling showing that Surrey Ridge households would be able to get up to, and through, the proposed Project and would be in the back of a queue of a minimum of 1,000 cars based on the household density in the application. This is not a true safety measure.

> **Finding Requested.** The City must make an express finding on the record either (a) that IFC § D107.1 is satisfied by an *unconditional* SMFR AHJ approval letter included in the record before approval, or (b) that D107.1 is not satisfied and two compliant access roads must be in place before approval. A conditional referral letter cannot be treated as the unconditional AHJ approval D107.1 requires. IFC D107.1 demands that access roads *be provided* or legally excepted. Approving a project with conditions that conflict with life safety elements leaves the local

> government legally exposed. A conditional referral does not provide the concrete assurance the fire code requires. SMFR Attachment 1 supersedes the IFC where more restrictive, and SMFR is the AHJ; any developer argument that IFC § D103.2 permits grades up to 10% does not displace SMFR's more-restrictive standards.

D. CWRC § 402 - Conforming Water Supply for WUI Subdivisions

CWRC §402 requires a subdivision in a Moderate or High WUI area to have a conforming water supply meeting minimum flow, duration, and hydrant spacing. The Resubmittal 2 packet contains no CWRC-compliant fire-flow certification. In the absence of such certification and with notification that pressure in the existing water supply is deficient preconstruction, the City can either make a determination this is adequate, or request a letter from the State Engineer of adequate-water determination required by C.R.S. § 29-20-305 (Section I above). All findings are missing.

> **Finding Requested.** The City must require a CWRC § 402 conforming-water-supply certification and a CWRC-conforming hydrant-spacing plan, both on the face of the preliminary plan, before approval.

E. CWRC § 403 - Fire-Apparatus Access Roads (Developer's Own Admissions on the Record)

CWRC § 403 requires adequate width, turning radii, vertical clearance, and a second point of ingress/egress unless the IFC § D107.1 sprinkler exception is satisfied *and* the AHJ unconditionally approves. Adequate width is typically 20 feet but frequently increases to 26 feet in the vicinity where fire hydrants are present. The R2 packet contains two material developer admissions on the record:

> *"McArthur Ranches and Surrey Ridge near Hillcamp are both served by Rural Local type III and IV roads. These roads are designed to handle up to 400 vehicles daily that currently dead-end South of the proposed Hillcamp neighborhood." — Wildfire Mitigation Plan (HPTT 2025), § 1.1.*
>
> *"Traffic is expected to primarily enter/exit via Hillcamp Dr. as traffic managed by Surrey Ridge, via N. Heather Dr., is all Type III and IV Rural Local roads and will likely become EVA only through the use process. Emergency vehicle access will be alternately provided via McArthur Drive." — Wildfire Mitigation Plan (HPTT 2025), § 1.2.*
>
> *"The majority of the McArthur Drive emergency access will be +/-10%, which meets emergency access criteria, but is much steeper than the 6% allowed for a public roadway. Because of this elevation difference, a public roadway connection is infeasible at this location."*
>
> *— Community Response Letter (March 27, 2026), Emergency Vehicle Access section.*

These admissions juxtapose against the (deficient) TIS's likely understated, **3,136 average daily trips** from 343 homes, **roughly eight times the 400-vehicle-per-day design capacity of the surrounding Type III/IV network** admitted by the developer's own fire-mitigation consultant. The current Project street geometry inherently cannot satisfy CWRC § 403 without a preliminary-plan-level redesign; the McArthur EVA is admitted to be infeasible for public-roadway use; and the N. Heather EVA depends on a Surrey Ridge / Douglas County rural local network the Surrey Ridge community opposes and the developer concedes is inadequate.

> **Finding Requested.** The City must obtain an SMFR § 403 adequacy memo on the present geometry before approval, and place into the record an analysis of how the Project's 3,136-trip-per-day generation interacts with the developer-admitted 400-vehicle-per-day surrounding network as a suitable EVA. If the geometry does not comply and the traffic analysis is understated, the preliminary plan must be redesigned and resubmitted; § 403 compliance cannot be deferred to building permit.

F. CWRC § 404 - Defensible Space; Setbacks Deleted

CWRC § 404 requires three-zone defensible space in Moderate and High WUI areas: 0–5 ft non-combustible adjacent to structures; 5–30 ft lean/clean; 30–100 ft reduced-fuel zone. The R2 packet does not demonstrate § 404 compliance at the southern grassland edge against The Retreat open space and SH-7 fuels. The defensible-space geometry depends on lot size, lot orientation, and setback discipline, all of which the applicant has eroded. The applicant *deleted* setbacks from the SAP after three rounds of City rejection: *"Consistent with the City's previous comments, remove the standard setback site plan provided on page 4 of the memo; each lot will require unique building envelopes…"* R2 Response Letter, p. 10 (§ 3.4.2 response). Building envelopes are now to be determined administratively at the Final Plat stage. Defensible space cannot be cured at building permit if the lot geometry does not allow it.

> **Finding Requested.** The City must require a CWRC § 404 three-zone defensible-space demonstration on the face of the preliminary plan, with lot-by-lot graphics showing the 0–5 / 5–30 / 30–100 ft zones, before approval. The City may not approve a Sub-Area Plan whose lot geometry forecloses § 404 compliance.

G. CWRC §§ 504–505 - Ignition-Resistant Construction (IR-1 / IR-2)

Under CWRC §§ 504–505, new construction in a Moderate WUI area must meet IR-2 at minimum; in a High WUI area, IR-1 controls (Class A roof assemblies, ignition-resistant eaves/soffits/vents, non-combustible gutters/downspouts, ignition-resistant exterior walls, and window assemblies meeting exterior flame-exposure standards). The R2 SAP, § 3.5.5 (Exterior Materials & Colors), p. 43, requires *"asphalt, slate, and concrete tiles"* and a *"Class A fire rated"* roof, but does not address vulnerable wall coverings and window exposures nor commit to the full IR-1/IR-2 wall, eave, vent, gutter, and window package across the parcel.

> **Finding Requested.** The City must require, on the face of the preliminary plan, an express commitment to IR-1 construction for lots in High WUI areas and IR-2 for lots in Moderate WUI areas, with materials specifications tied to CWRC §§504–505. A generic "Class A roof" commitment is not sufficient; CWRC IR-1/IR-2 is a system requirement, not a roof requirement.

H. CWRC §§ 405–406 - Addressing, Hydrant Location, and Signage

CWRC §§ 405–406 require addressing hydrant placement, and signage on the preliminary plan in a manner that supports emergency response. The Resubmittal 2 packet does not show CWRC-conforming hydrant placement tied to fire flow and does not show CWRC-conforming addressing and signage on the face of the plan.

> **Finding Requested.** The City must require CWRC §§405–406 compliance elements on the face of the preliminary plan, in coordination with the §402 fire-flow certification, before approval.

III. GEOTECHNICAL / SLOPE STABILITY - CGS REFERRAL AND C.R.S. § 30-28-136

C.R.S. § 30-28-136 makes Colorado Geological Survey referral mandatory and requires the Planning Commission to consider the CGS report. The Colorado Geological Survey, the statutory referral agency, has formally found the developer's geotechnical record insufficient.

> *"the current level of geotechnical investigation, analysis, and documentation is insufficient to demonstrate that the proposed Hillcamp Drive roadway extension can be constructed and maintained as a public roadway within mapped landslide terrain, unstable and potentially unstable slopes, and debris-flow-susceptible channels." - CGS Letter dated January 30, 2026, Unique No. DU-26-0010_2 (signed by Amy Crandall, P.E.).*

CGS's January 30, 2026 letter identified the following deliverables required from the applicant, none of which has been delivered in final form: final (not preliminary) geotechnical report; design-level subsurface characterization; specific bench-cut proposal; revised slope-stability analyses reflecting Michael W. West & Associates parameters; water-sensitivity analyses; independent construction-observation plan; and a utility risk mitigation and response plan.

The applicant's March 27, 2026 City Response Letter at page 20 declined the utility risk plan, taking the position that "*There are no water lines within the roadway and it is unrealistic to assume that a utility failure would impact the integrity of the roadway*," a position in direct tension with three recent water-line breaks on the same hillside in 2024 and the Retreat at Ridgegate, LLC's own pending litigation (Case No. 2025CV30307) alleging utility-failure causation of the January 2025 slope failure on the same hillside.

The developer's March 27, 2026 Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │Thompson Project No. DN52,378-125-L2) is the operative geotechnical submission. It is internally limited and contains four undeniable admissions:

> *" The purpose of our investigation was to evaluate subsurface conditions to assist in due diligence assessment and **preliminary** planning of site development and construction and assess slope stability for the existing slopes." — CTL│Thompson, March 27, 2026, p.1 [Emphasis added].*

> *" Site slopes are very steep, precluding rig access in many locations. Our boring locations were selected in areas we could safely access." — Id. p. 6.*

> *"Based on previous studies within the Ridgegate Development and near I-25, landslides and slope failures have occurred within the claystones and sandstones..." — Geotech Response Letter, Geological Hazards and Slope Instability, Revised March 27, 2026, p.9.*

The CTL slope-stability table in the same March 27, 2026 letter reports interim factors of safety below the 1.5 industry preferred minimum for permanent infrastructure and at or below the 1.3 minimum for critical temporary excavations (1.1 noted) *Id.*p.7. CTL further notes, "Although the interim models generally resulted in lower [factor of safety] values than the existing and proposed conditions, we believe these values are acceptable due to the short-term duration of these conditions and not indicative of the overall global stability of the slope." *Id.* The report recommends moving drainage ponds to those interior portions of the site, strongly implying that construction would not be suitable in these locations. Other cross-sections show interim or proposed-elevated-groundwater FOS values of 1.3 or 1.4, uncomfortably close to the failure threshold but then dismisses them as acceptable due to the short-term duration of those conditions. *Id., p.11.* The report further discusses temporary slope layback of 1.6H:1V, steeper than standard, in the same section where it concedes, with emphasis "*Changes to proposed grading, site grading techniques, and surface drainage will impact slopes stability along these sections*." Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation, Revised March 27, 2026, p.8.

The developer's own Drainage Outfalls Memorandum (JR Engineering, March 27, 2026) corroborates the slope vulnerability, with emphasis:

> *"Per the geotechnical recommendations for the Site, the stormwater flows are not to be conveyed over the steep hillsides surrounding the project area, as these flows would create unstable slope conditions." — Drainage Outfalls Memorandum, March 27, 2026, p. 1.*

Ground Engineering (third-party geotechnical reviewer for the developer) noted the developer's low FOS values, and coincidentally, introduced a lower standard: *"We generally do not consider factor of safety values for non-critical temporary/interim conditions less than 1.1 to be acceptable."* Trail Geotechnical Response Letter (CTL │Thompson, revised March 27, 2026), Ground Engineering Comments section. Combined with the May 2024 Tract C landslide on the same hillside which is the subject of *Southgate Water v. Century Communities*, the record cannot support a competent finding under C.R.S. § 30-28-136.

> **Finding Requested.** C.R.S. § 30-28-136 makes CGS referral mandatory and requires the Planning Commission to consider the CGS report. The City must require an independent slope-stability review by the Colorado Geological Survey on the record, on the present alignment, with any missing borings completed and the developer's "planning purposes only" qualifier

> cured, before approval. C.R.S. § 29-20-104(1)(a) authorizes the City to deny development in hazardous areas. A "planning purposes only" geotechnical letter, with interim FOS values at or below the 1.3 industry minimum, with the developer's own drainage engineer admitting that stormwater conveyance over the surrounding hillsides "would create unstable slope conditions," and against a backdrop of known post-construction slope failures on the same hillside, cannot support a competent finding under § 30-28-136.

IV. PDD DENSITY - REQUIRES CAPACITY FINDINGS (C.R.S. § 24-67-105)

C.R.S. § 24-67-105(4) mandates the City establish create its own density metrics. The SAP itself acknowledges it is not self-executing: *"The City shall use this SAP, the two applicable PDDs, and other applicable City code in the review and approval process."* R2 SAP, § 1.2 (Purpose of the Sub-Area Plan), p. 7. The R2 SAP further states that *"the criteria provided in this SAP are not exhaustive and that the City code applies to topics not otherwise addressed in this document." Id.* Despite that, no findings in the Resubmittal 2 packet tie the 343-unit count (261 RidgeGate + 82 Southridge, per the March 27, 2026 Project Narratives) to *demonstrated* water, fire, geotechnical, or transportation capacity. The applicant deleted setbacks from the SAP after three prior City rejections: City staff has stated on the record that the SAP's bulk-setback approach is not consistent with the intent of the underlying Planned Developments, and further, that "each lot will require unique building envelopes to ensure consistency with the Planned Development" (Southridge City Response Letter, Technical Memorandum: Grading and Limits of Disturbance, March 27, 2026, ¶2).

> **Finding Requested.** The City must make findings under C.R.S. § 24-67-105 tying any approved density to demonstrated infrastructure capacity (water, fire, geotechnical, and transportation) on the present record. Without those findings, treating PDD density as entitlement is an abuse of discretion. Density approved on an SAP that has deleted its setback standards and deferred its building envelopes to administrative determination cannot satisfy § 24-67-105.

V. COMPREHENSIVE PLAN CONFORMANCE REQUIRED WITH FINDINGS

Under *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder,* 927 P.2d 1339, 1348 (Colo. 1996), the Court noted that a specificity requirement obligates a municipal entity to note specific findings that are properly applied and not undercut a desirable degree of flexibility to strike the right balance. In this case, the City of Lone Tree applied this standard in Resolution 22-05 (Living Water Car Wash), unanimously denying the application on Comp Plan grounds notwithstanding a staff recommendation of approval. Resolution 22-05 is binding City precedent on method.

The R2 packet does not contain a Comp Plan conformance analysis. The R2 Response Letter and the four Project Narratives contain no Comp Plan section. The Project pushes material substantive decisions to a future Development Agreement that is not before the Planning Commission and not subject to public hearing, including height variances, geotechnical lot review, active landslide mitigation, wildfire-mitigation maintenance, fencing, irrigation, traffic impacts, wildlife mitigation related to burrowing owls and the nearby golden eagle nest, parks, and Tract X HOA structure. R2 Response Letter, pp. 10–11 (§§ 1.4.1, 1.4.2, and 3.4.2 responses).

> **Finding Requested.** The City must identify each Comp Plan policy implicated (at minimum: infrastructure-first, sustainability/resilience, natural-resource protection, neighborhood compatibility, rural character) and find conformance or non-conformance for each. For any departure, the City must state the specific findings Snyder and Resolution 22-05 require. A Comp Plan finding that exists only by recital and not by analysis is not a finding.

VI. TRAFFIC AND TRANSPORTATION - TIS ADEQUACY

The developer's Traffic Impact Study (JR Engineering, March 24, 2026) is faulty and projects an understated **3,136 Average Daily Trips** from the Project. *Id* .p.7. The companion I-25 & RidgeGate Parkway Traffic Memorandum (JR Engineering, March 27, 2026) makes two material admissions:

- Existing-conditions LOS F at the SB I-25 Off-Ramp & RidgeGate Parkway, SB Left, PM Peak (Year 2026), highlighted by the developer's own engineer as failing to meet the established LOS D threshold. I-25 & RidgeGate Parkway Traffic Memo, Table 1 p.9.
- CDOT access permit required by 2028 less than 2 years from now. The developer admits site-generated traffic exceeds the 20% threshold on four interchange movements: NB I-25 Off-Ramp & RidgeGate Parkway EB Right AM Peak (58%); NB I-25 Off-Ramp NB Left PM Peak (26%); SB I-25 Off-Ramp EB Right AM Peak (22%); SB I-25 Off-Ramp SB Right PM Peak (53%). Id. Access Permit Requirement section. The proposed "fix" is "optimized signal timings," a CDOT-controlled action, not a developer commitment. *Id.*

Methodology gaps remain: only a single weekday count when communities are bedroom communities (Thursday, February 5, 2026) at the I-25 ramps and a 24-hour tube count at RidgeGate Parkway & Cabela; no weekend data; no cumulative-impact analysis with other approved RidgeGate-area development (increased Canyons density, LifeTime Fitness, new large mixed use development on Castle Pines Parkway); no GPS routing analysis; entire omission of the Surrey Ridge North Tunnel; no operational analysis of the proposed EVAs.

Crucially, the developer's own Wildfire Mitigation Plan admits that the surrounding network is designed for **400 vehicles daily** and is composed of Type III/IV rural local roads (see Section II.E above). The TIS does not reconcile a 3,136-trip generation with the 400-vehicle-per-day surrounding-network capacity admitted in another section of the same R2 packet. In a wildfire evacuation on streets that are already

jammed when there's a highway accident, the City's approval of this analysis could cause great harm to its residents and those over the City line in unincorporated neighborhoods.

> **Finding Requested.** The City must make specific findings on TIS adequacy before approval, including: (a) compliance or non-compliance with the City's own study scope; (b) reconciliation of the 3,136-trip projection with the developer-admitted 400-vehicle-per-day surrounding capacity; (c) responsiveness to CDOT's I-25 interchange comments, including reduction of LOS F at SB I-25 Off-Ramp E2; (d) GPS analysis; (e) inclusion of the Surrey Ridge North Tunnel and cumulative-impact analysis; and (f) operational analysis of the EVAs themselves taking Surrey Ridge and Oak Hills communities equestrian communities into account. At a minimum, the developer should provide an updated TIS, complete the CDOT access permit process, incorporate weekend and multi-day counts, and post funded intersection improvements with developer bonding.

VII. ACCESS AND EXTRATERRITORIAL AUTHORITY

A. March R2 SAP - EVA Designation on Deficient ROWs

The March 2026 SAP materially changed the access framing from prior submittals. The operative recital is now:

> *"Two (2) additional emergency only access points will be provided with connections to McArthur Drive to the west and Heather Drive to the south...*" Each emergency only access point is planned to be gated and will access existing public right-of-way — *Community Response Letter (March 27, 2026), Access, Traffic, and Cut Through Concerns section, p1.*

The developer's recharacterization of these access points as EVA-only, in ROW not dedicated to manage the traffic impact and does not resolve the legal access defects identified in subsections B–D below.

B. Surrey Ridge - Equestrian Community; Existing Egress Already Deficient

Surrey Ridge communities consist of approximately 170 homes and lie outside City limits in unincorporated Douglas County. It does not have the infrastructure to support EVA-only ingress and egress to a 343-home subdivision on the mesa above it, nor the capacity to support an evacuation – the purpose of the proposed EVA. Surrey Ridge residents have already advised the City and County that they believe their emergency egress is deficient at present *and* Surrey Ridge is an equestrian community whose residents would need to trailer horses and livestock out of the area in the event of an emergency. If the Project were to be approved and a fire were to start at the Project location, residents would surely be trapped, as already happens periodically due to highway accidents on I-25. Further, Surrey Ridge is constrained to the east by rural, windy interior streets to exit the neighborhood, a one lane underpass on one end, and a shared larger exit at the other end, but a church and second neighborhood share that egress route as their main artery as well. Adding over 3,000 trips to an already overloaded rural street routing to

a highway containing a failing traffic grade of F at one end and significantly increased density at the other (sharing capacity with a church and adjacent neighborhoods including the new Canyons multifamily densities, new mixed use on Castle Pines Parkway, Ridgegate East), will compound and exacerbate any need to evacuate. Residents fear they will be trapped as they are occasionally in the mornings when driving their children to school, and were as recently as on May 15, 2026, watching cars wandering their interior streets backed up all the way to the interior of the neighborhood hoping to navigate around standstill traffic.

The Colorado Supreme Court in *Bd. of Com'rs of Routt Co. v. O'Dell, 920 P.2d 48 (1996)*, upheld a county's rejection of a 41-acre minor subdivision. The denial was based on several combined factors in the administrative record similar to those here, including critical wildlife range, lack of water for fire suppression, inadequate emergency vehicle access, and severe soil/slope limitations. Further, in landmark cases like *Sellon v. City of Manitou Springs,* 745 P.2d 229 (1987), it is well established that local governments have strong legal authority to enact and enforce strict hillside, slope, and erosion regulations. In that case, the court ruled that such ordinances are constitutional so long as they do not deprive a landowner of all reasonable use of their property. The case further noted that if technical engineering reports or fire district reviews dispute a developer's claims, a governing body is well within its rights to reject the developer's generalized assurances.

C. Douglas County Consent - Narrow Parks-and-Rec Email; No Public Works Consent of Record

Douglas County has statutory authority over County roads under C.R.S. § 43-1-106. Douglas County's prior February 9, 2026, communication confirmed that McArthur Drive is partly on private land via never-formalized prescriptive rights, that the County has no plans to pave, and that the County would not support a full public opening. C.R.S. § 24-65.1-202 indicates that the City should analyze the environmental, socioeconomic, and traffic impacts of key facilities that are considered for the broader region, which effectively addresses spillover effects into unincorporated areas. While not necessarily a project of state interest, the City has worked with the developer of the subject Project for over two decades for the larger expansive City development including future City works buildings, Ridgegate East which includes a new school, senior center, PUDs of residential homes and amenities. The City and Project developer have a symbiotic relationship wherein each development provides the City with added tax revenue, the developer with more profit, and feeds larger development needs for the City. This relationship makes the subject Project application part of a larger regional development objective of the City and may influence the City's review and/or implicate this code provision. Further, the Resubmittal 2 packet does not contain a recorded easement nor a Douglas County Public Works consent.

Two additional property-rights instruments narrow the record further. First, the recorded "Non-Exclusive Easement for Driveway Purposes," Doc. No. 99014022 (recorded February 4, 1999), limits use to driveway purposes for a specific tract (Tract 56), for egress and access to utilities to Tract 56; not mass civilian or emergency egress for 343 homes. Second, the 2004 Southridge Preserve PDD limits McArthur access to "emergency personnel and City use only" via a gated road, not mass civilian evacuation of 343 homes. Even if the geometric standards could be met, the legal authorization to use McArthur for

emergency egress for 343 homes is not in the record. The only Douglas County document the developer added in March is an email exchange with Nick Giauque, *Park Program Manager, Douglas County Department of Parks and Recreation,* dated March 9, 2026. Parks and Recreation's only stated concern is: *"The only concern we had was making sure that our trucks (F350-sized) would be able to go across the bridge for maintenance and snow removal."* This letter relates to a pedestrian bridge and has no bearing on the EVA access rights, maintenance. It is not consent under § 43-1-106 regarding County road impacts from the McArthur Drive or N. Heather Drive EVAs. The developer's own February 17, 2026, email asks Douglas County to *"confirm that Douglas County will accept ownership and maintenance of the bridge,"* Worth noting, while unrelaed to the EVA, Parks & Recreation is not the affirming agency for ownership of the pedestrian bridge and its narrow reply does not affirmatively answer that ownership question.

D. Tract M - Developer Has Abandoned Tract M; Replacement Water-Quality Design Must Be Tested

Tract M is owned by The Retreat at Ridgegate Homeowers Association. Eighty (80%) homeowner approval is required for conveyance and is acknowledged as unavailable. The developer, in its March 27, 2026, Retreat Response Letter (Brownstein Hyatt Farber Schreck), now *abandons* Tract M as a Project component:

> *"[Tract M] is Not Necessary for the Project. … the Project was redesigned to provide water quality in an alternative manner. … construction or reliance on Tract M is no longer needed for the Project." - Retreat Response Letter (Brownstein Hyatt Farber Schreck), March 27, 2026, § II.A, p. 2.*

Yet, it appears that Tract M remains in the developer's preliminary construction documents stamped as of March 27, 2026, the same day as the developer's legal counsel response stating that Tract M is longer in play. Assuming that legal communication is accurate, that removes Tract M as a direct property-rights obstacle. It does *not* remove the question whether the replacement water-quality design is itself defective, or whether the redesign creates new stormwater or slope-stability impacts on the hillsides immediately above Surrey Ridge. The City must test the replacement on its own merits.

E. 2020 Easement (Reception No. 2020069125) - Overburdening Under Lazy Dog Ranch

The Retreat Response Letter affirmatively names the legal-access basis for the Project: *"the subject property already benefits from a perpetual, non-exclusive easement, recorded in the real property records of Douglas County at Reception No. 2020069125 on July 30, 2020 [the 'Roadway Easement'], providing the legal right to access the property."* Retreat Response Letter, p. 7. The 2020 easement was granted to RidgeGate Investments before Rampart Range Metropolitan District conveyed approximately 374 acres to the City. The applicant now asserts that easement as the legal basis for a 4,077-foot collector road (now branded "Hillcamp Trail"), three tiers of retaining walls (up to 25 feet, 1,123 linear feet), a 120-foot pedestrian bridge on drilled caissons, and permanent traffic and emergency-vehicle loading.

Under *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), and Restatement (Third) of Property: Servitudes § 4.10, the holder of a blanket easement may not materially intensify use beyond what was contemplated by the original grant. The R2 packet contains no analysis of the 2020 easement's

scope, no comparison of the original contemplated use to the proposed use, and no answer to the overburdening question.

> **Finding Requested.** The City must, as conditions precedent to approval: (a) require recorded easements or fee ownership for all emergency-access routes, supported by Douglas County Public Works consent under § 43-1-106; (b) make specific extraterritorial-impact findings under § 24-65-103; (c) require the developer to place the 2020 Roadway Easement (Reception No. 2020069125) into the record with a scope analysis under *Lazy Dog Ranch*; and (d) require an independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.

VIII. PDD INCONSISTENCY — RIDGEGATE 7TH AMENDMENT MAIN ACCESS ROAD; ALTERNATIVE ALIGNMENT 7

The RidgeGate PDD 7th Amendment designates a "Main Access Road" / Conceptual Roadway for any mesa-top development off Heather Drive, yet the developer expressly engages and *rejects* any alternative alignment referred to as Alternative Alignment 7, in its March 27, 2026 Retreat Response Letter:

> *"The Conceptual Roadway was thoroughly evaluated by the Applicant along with multiple other alternatives, as shown in the Alternative Access Memo … seven roadway alternatives were compared … Alternative 1 [the proposed alignment] is the least impactful option that meets the applicable access and safety requirements." — Retreat Response Letter, p. 6.*
>
> *"… the Surrey Ridge options (which are labeled Alternatives 6 and 7 in the Alternative Access Memo) … were evaluated and found to raise material environmental and community-compatibility concerns such as disrupting wildlife movement access to Happy Canyon Creek, requiring extensive cuts and scrub oak removal, and creating significant visual impacts to prominent bluffs … in addition to having certain additional emergency-access and design-standard constraints …" — Retreat Response Letter, p. 7.*

Unlike binding regulations, a master plan is a guide to development rather than an instrument to control land use. C.R.S. § 30-28-106(3)(a). The RidgeGate PDD 7th Amendment, Reception No. 2020012568 (recorded February 21, 2020, revised June 7, 2024), at Sheet 7 of 8, labels the Surrey Ridge access as *"Main Access Road"* and the opposite end as *"Limited Emergency Access."* Both labels appear as distinct PDD elements. The Sheet 8 disclaimer that circulation elements are "conceptual in nature and subject to modification and refinement" permits refinement *within* a designation; it does not permit *inversion* of which end is main and which is emergency. The applicant has not sought a PDD amendment. The developer's multi-criteria override of the PDD-designated Conceptual Roadway is, in substance, a quasi-amendment without the PD-amendment process. It is further noted in *Bd. of Cnty. Comm'rs of Larimer Cnty. v. Conder*, 927 P.2d 1339, 1351 (Colo. 1996), that "*…[I]n requiring master plan compliance, the master plan provisions at issue must be drafted with sufficient exactitude so that proponents of new development are afforded due process, the county does not retain unfettered discretion."* The case further noted that the basis for the county's decision must be clear for purposes of reasoned judicial review.

To be clear, neither the developer nor the City can amend a master plan without affording due process to impacted residents. Moreover, for the avoidance of doubt, Surrey Ridge's road is not a feasible main road despite its inclusion in a master plan. It is rated for 400 cars/day, designed for rural residential unincorporated county use and has no known funds allocated for improvement. Despite its assertions in the Project application, the developer can't sidestep the application and approval process to suit its own benefit.

A. The "Environmentally Infeasible" Rationale Is Contradicted by the Applicant's Own Infrastructure Routing

The developer further characterizes the Surrey Ridge corridor (Alternative 7) as "environmentally infeasible." Yet, three of the applicant's own contemporaneous documents simultaneously plan a 12-inch Future Zone 3 water transmission main through the same corridor:

- October 2023 Southridge Preserve Water Demand Study (referenced in the February 10, 2026, Retreat referral response at p. 6), planned 12-inch transmission main through the Surrey Ridge / I-25 underpass corridor.
- PWSD inclusion materials for Tract AZ (per City 3rd Technical Review Sheet 20 comments), proposed water improvements in the Surrey Ridge corridor.
- SB25-0010 4th Submittal Comment Response at p. 42 - applicant confirms coordination with PWSD on "off-site water and sewer mains to the site … being designed and constructed with RRMD as a separate project."

A 12-inch transmission main requires deep trenching, a continuous disturbance corridor, permanent utility easements, and ongoing maintenance access. If the corridor accommodates a 12-inch transmission main, it accommodates a roadway. The City's Technical Review found the access memorandum's justifications were not supported by thorough analysis. The contemporaneous water-main routing converts that finding from "unsupported" to demonstrated pretext: the applicant's own infrastructure decisions prove the corridor is feasible, and the "environmental" rationale was constructed to justify cost avoidance for the I-25 underpass improvements that would be required by the PDD-designated alignment.

> **Finding Requested.** The City must place the RidgeGate PDD 7th Amendment Main Access Road sheet, the developer's Alternative Access Memo, and the underlying Alternative multi-criteria scoring into the record on each of the four applications. The City must then make an express finding that the proposed Alternative 1 (Cabela Drive / Hillcamp Trail) is consistent with the PDD Main Access Road designation. To reiterate, while the Surrey Ridge community expressly opposes any neighborhood connection, a developer cannot displace a PDD-designated Main Access Road by its own multi-criteria scoring without public process and fail to evaluate available alternatives. In this case, there are one to two alternative options not on the plans that the developer has failed to explore entirely.

IX. FEDERAL AND STATE WILDLIFE — BGEPA, MBTA, AND CPW BUFFERS

The developer's March 2026 Wildlife Preservation Plan (CTL | Thompson Project No. DN52,036.000-232-R1R3) addresses CPW's January 19, 2026, raptor / golden eagle concerns. The relevant developer representations:

> *"... a Golden Eagle nest mapped approximately 0.9 miles from the southwestern tip of Subject Property, and 0.95 miles from the nearest residential lots on the Subject Property. CPW provides ¼-mile and ½-mile mapped buffer zones from the Golden Eagle nest. The ½-mile buffer zone ... is at its closest point approximately 0.4 miles from the Subject Property." — Wildlife Preservation Plan, § 3.2 (Migratory Bird, Raptor, and Eagle Habitat).*
>
> *"CPW recommends No Surface Occupancy beyond that which has historically occurred in the area within ¼-mile of active nests and no permitted, authorized, or human encroachment activities within ½-mile radius of active nests from December 15 through July 15. The development of the Subject Property does not encroach on recommended raptor buffer zones[;] no further action is required regarding the nearby Golden Eagle nest." — Id.*

Three issues remain even on the developer's representation. First, the 0.9-mile distance is the developer's consultant's representation, not CPW's confirmation. CPW should be asked to verify nest coordinates and confirm the buffer geometry. Second, the developer treats the 0.5-mile buffer as a static geographic line; construction noise, dust, blasting, and traffic dispersal from a 343-home subdivision and its 4,000+-foot collector with caisson-mounted pedestrian bridge may carry into the buffer projection even when the property line does not. CPW should opine on whether construction activity within line-of-sight of the nest during the December 15–July 15 sensitive period triggers the no-permitted-activity provision. Third, the Wildlife Preservation Plan confirms prairie dog burrows on the property (potential burrowing-owl habitat; breeding season March 15–August 15) and identifies multiple SWAP Tier 1 bat species; the proposed prairie-dog removal sequence and timing need CPW concurrence.

Bald and Golden Eagle Protection Act penalties for an organizational violation can reach up to $500,000. CWA § 404 / Sackett v. EPA jurisdictional analysis is engaged by the developer's Trail Biological Assessment but the wetlands and Waters-of-the-U.S. conclusions are the developer's consultant's, not an independent Corps determination of record.

> **Finding Requested.** The City must require, on the record before approval: (i) CPW concurrence with the developer's 0.9-mile nest distance, the 0.4-mile buffer-edge geometry, and the conclusion that the Project does not encroach; (ii) CPW position on whether construction activity within line-of-sight of the nest during December 15–July 15 satisfies CPW's no-permitted-activity recommendation; (iii) USFWS BGEPA compliance documentation; (iv) Army Corps Section 404 jurisdictional determination of record including mitigation of indirect negative impact of hydrology of riparian wetlands; and (v) CPW protected-species survey results for golden eagle, bald eagle, prairie dog, burrowing owl, and SWAP-Tier 1 bats. The CPW comment letter itself remains unanswered in the developer's consolidated response and is

independently preserved within the procedural-defect argument (Section XI). Silence on these federal and state predicates is not a finding.

X. DEFERRED FINDINGS DO NOT APPLY TO MATERIAL DEFICIENCIES

In Colorado, a city cannot punt substantive statutory prerequisites to a future date, a building permit, or a private Development Agreement. If a finding is *required by law* to approve the development, it must be satisfied *before* or *at the time of* the approval, otherwise a city is acting in an arbitrary and capricious manner. The City may not approve a development by deferring substantive findings to post-approval conditions where those findings go to statutory prerequisites whereas a ministerial detail or routine monitoring would be appropriate to attach as a post-approval condition. The Resubmittal 2 packet is built on a "defer to the next stage" architecture: numerous substantive issues are pushed into a future Development Agreement that is not yet drafted, not before the Planning Commission, and not subject to public hearing. Examples in the developer's own words:

> *"Wildfire mitigation plans will be prepared at the time of the development of Preliminary Plans and will be adopted with the approval of the Preliminary Plans. ... Long-term maintenance expectations and responsibilities for open space, common areas, and private lots will be further detailed in the Development Agreement." — R2 SAP, § 2.4.10 (Preparing a Wildfire Resilient Environment), p. 25.*

Items currently "reserved" or unresolved in the record include: C.R.S. § 29-20-304 water adequacy; CWRC § 302.1 Fire Intensity Classification; IFC § D107.1 AHJ determination; SMFR § 403 / § 404 adequacy memo; CGS slope-stability review under § 34-1-302; CPW concurrence with the 0.9-mile eagle buffer geometry; Douglas County Public Works consent under § 43-1-106 for both McArthur and N. Heather EVAs; 2020 Roadway Easement scope analysis under *Lazy Dog Ranch*; SAP variance and amendment procedures; setbacks (now deleted); height variance methodology; Comprehensive Plan findings; and the alternative water-quality design that replaced Tract M.

When a city defers a substantive requirement into an un-drafted Development agreement, it pushes those decisions post-public hearing which denies the public and the Comission the opportunity to review and shape the project. It further fails to address, in this case, statutory criteria (such as traffic mitigation and geographic standards) that the approving body may not have a legal basis to grant an approval if not proven during the public hearing process.

Finding Requested. Each of the above must be resolved on the record before approval. Conditional approval that defers statutory prerequisites is vulnerable under C.R.C.P. 106(a)(4). The "defer to the Development Agreement" architecture is not a finding; it is the absence of one.

XI. PROCEDURAL DEFECT - THE CITY'S FEBRUARY 11, 2026 DIRECTIVE

The City's February 11, 2026 review letter expressly directed the applicant to provide a consolidated response to *"all referral comments received."* The developer's March 27, 2026, R2 packet contains consolidated response letters addressed to City Planning and City Attorney comments, a separate Brownstein Hyatt response to The Retreat at Ridgegate Homeowers Association, Inc., and a single Community Response Letter aggregating neighbor concerns. The R2 packet does not contain item-by-item responses to the referral letters from CGS, CDOT (other than the developer-prepared I-25 memo addressing only the interchange ramp signals), CPW, Douglas County Public Works, the Surrey Ridge Association, or the McArthur Drive Coalition. Several substantive comments from these agencies and stakeholders therefore remain unrebutted on the record. Pursuant to *Alpenhof, LLC v. City of Ouray*, 2013 COA 9, ¶ 9 , an approval that lacks competent evidence in the record is an abuse of discretion.

> **Finding Requested.** The City must require the applicant to file a true consolidated, item-by-item response to all referral comments (including CGS, the full set of CDOT comments, CPW, Douglas County Public Works, Surrey Ridge, and the McArthur Drive Coalition), and satisfy statutory requirements, before any further hearing or approval. Anything short of that leaves the record absent on the agency comments the City itself directed the applicant to address, which would prejudice any party pursuing a C.R.C.P. 106(a)(4) appeal.

XII. CONCLUSION AND REQUESTS FOR ON-THE-RECORD FINDINGS

The deficiencies identified above are not policy preferences. They are statutory and code requirements that the City must satisfy on the record. We respectfully request that the City make each of the following findings on the record before approval and, where findings cannot be made on the present record, require the developer to resubmit:

1. C.R.S. § 29-20-304 - State Engineer adequate-water-supply determination of record, addressing the Off-Site Utility Report's dependence on the future Freshfields development and the admitted Zone 3 hydraulic strain.
2. CWRC § 302.1 - Fire Intensity Classification for the parcel; CWRM GIS layer in the record.
3. CWRC §§ 402, 403, 404, 405–406, 504–505 - compliance demonstrated on the face of the preliminary plan, including reconciliation of the 3,136-ADT generation with the developer-admitted 400-vehicle-per-day surrounding Type III/IV capacity.
4. IFC § D107.1 - unconditional SMFR AHJ approval letter in the record (not a conditional referral letter).
5. C.R.S. § 30-28-136 - independent Colorado Geological Survey slope-stability review of record, with any missing borings completed and the "planning purposes only" qualifier cured.
6. C.R.S. § 24-67-105 - density findings tying the 343-unit count to demonstrated water, fire, geotechnical, and transportation capacity.
7. Comp Plan conformance findings on each implicated policy required. PDD inconsistency and amendment by Project rejected.

8. TIS findings - compliance with a standard study scope; CDOT access permit completion; cure of LOS F at SB I-25 Off-Ramp E2 SB Left PM; cumulative, weekend, and GPS-routing analysis; Hillcamp Trail and EVA operational and land use analysis.
9. Federal and State wildlife, BGEPA / MBTA / CPW, confirm CPW concurrence with the developer's 0.9-mile eagle distance and 0.4-mile buffer-edge geometry; CPW position on construction within the buffer projection; protected-species surveys (golden eagle, bald eagle, prairie dog, burrowing owl, SWAP-Tier 1 bats).
10. Access, Use, and Authority to Use Property, including required Douglas County Public Works consent (not Parks and Recreation's narrow F-350 maintenance email) for County-road use under § 43-1-106; extraterritorial-impact findings under § 24-65-103, the 2020 Roadway Easement (Reception No. 2020069125) - scope analysis placed in the record before approval, Tract M replacement - independent review of the post-Tract-M water-quality redesign to confirm it does not relocate stormwater impacts onto the unstable hillsides above Surrey Ridge.
11. Deferred findings must not contain material deficiencies or impacts that are punted down the road. A resolution on the record of each currently deferred substantive issue (no further "defer to the Development Agreement").
12. An applicant's consolidated, item-by-item response to all referral comments (CGS, full CDOT, CPW, Douglas County Public Works, Surrey Ridge, McArthur Drive Coalition) as directed by the City's February letter.
13. Ensure all adjacent owners, including in unincorporated Douglas County, have received proper notice of the Project and impacts while the referral period is ongoing rather than after the time for meaningful input has concluded; at Planning Commission or City Council hearings.

We respectfully request that the City make the findings identified above before any further action on RG24-0007, SB25-0009, SB25-0010, or SB25-0014.

Respectfully submitted,

A Concerned Resident of

Surrey Ridge

cc: City Clerk; City Attorney; South Metro Fire Rescue; Douglas County (Public Works, Planning, Open Space, Parks and Recreation); State Engineer (Colorado Division of Water Resources); Colorado Parks and Wildlife; CDOT Region 1; Colorado Geological Survey; U.S. Army Corps of Engineers (Omaha District); U.S. Fish and Wildlife Service; The Retreat at Lone Tree HOA (c/o Jonah Hunt, Orten Cavanagh Holmes & Hunt LLC).

Applications: RG24-0007 (Sub-Area Plan); SB25-0009 (Hillcamp Southridge Preserve Parcels 4 & 5 Preliminary Plan); SB25-0010 (Hillcamp RidgeGate Rural Residential Preliminary Plan); SB25-0014 (Hillcamp Trail Filing No. 1 Final Plat).

Resubmittal 2 packet of record: Sub-Area Plan (March 27, 2026); RidgeGate Rural Residential and Southridge Project Narratives and Preliminary Plans; consolidated City Response Letters; Community Response Letter; The Retreat at RidgeGate Response Letter (Brownstein Hyatt Farber Schreck); Traffic Impact Study (March 24, 2026); I-25 & RidgeGate Parkway Traffic Memorandum (March 27, 2026); Wildfire Mitigation Plan (HPTT 2025); Wildlife Preservation Plan; Drainage Report (Phase II) and Drainage Outfalls Memorandum; Off-Site Utility Report (Merrick, March 2026); Geotechnical Response Letter (CTL │ Thompson, revised March 27, 2026) and Updated Preliminary Geotechnical Investigation and Slope Stability Evaluation (CTL │ Thompson, March 27, 2026); Grading and Disturbance Technical Memorandum; Auto-Turn Exhibit; Hillcamp Trail Final Plat and associated Trail-suite documents (Biological Assessment, Pedestrian Bridge Geotech, GESC Report and Plans, Phase III Drainage Report, Tree Protection Plan).

May 23, 2026

To Whom It May Concern:

We are residents of Lone Tree. We live at 9574 Fork Bluff Point, and are concerned about access to the proposed Hillcamp development. When we first looked at The Retreat at Ridgegate, Century's representative told us 88 houses were proposed, but The City of Lone Tree approved only 50 houses out of concern for the health and safety of the bluffs. That gave us great confidence that this was the city for us. We knew The City valued the natural beauty and conservation of the bluffs that make Lone Tree such an exceptional city.

When The City of Lone Tree required the developer to completely resubmit their proposal, we expected major changes in version 2.0. The Colorado Geological Survey had said the developer's geotechnical study was not good enough. Colorado geology experts asked for more subsurface investigation, design-level analysis, and proof of slope stability. It appears the old materials were essentially resubmitted with a new date on the cover. The developer's own engineer still labels the slope stability report "for planning purposes only," meaning it is not meant to be relied upon for actual construction. We deserve better. The Retreat has already been through the collapse of one hillside. Please don't put us through the same possibility again.

The engineering company, CTL Thompson, that evaluated the proposed access road through the bluffs is the same company that evaluated the hillside that recently collapsed in The Retreat. We are also aware the City of Lone Tree requested a third party, Ground Engineering, do a review of engineering modeling of slope stability in Hillcamp Trail's proposed right of way. Ground Engineering made it quite clear that unusually optimistic parameters were used in modeling slope stability. This is very concerning, to say the least. More than ever, The Retreat community knows the bluffs require protection and the residents deserve safety as the number one priority. It's our leaders' responsibility to provide it. The only way our safety and welfare as residents can be protected is through you, The City of Lone Tree, and we expect you to take this responsibility very seriously.

Traffic on the proposed Hillcamp Trail through the bluffs is a major concern for residents of The Retreat at Ridgegate. We foresee the excessive amount of traffic that families in 343 new homes would generate and the impact of Hillcamp Trail on the bluffs. We expected a new traffic study from the developer, but once again we seemed to get the same old traffic information in their "new" submission.

None of the seven amendments to the PDD has shown an access point at the Cabela/Hillcamp end of the development. They all designated the Surrey Ridge end as the main access road. The developer is abandoning the designated access and creating a new one at the Cabela end without seeking the amendment that would normally be required. The seventh PDD masterplan shows an access road for the Mesa Tops labeled Road A. Hillcamp Trail is a complete shift from what the city had planned as access for the past 25 years. Road A meets or exceeds all the City of Lone

Tree's requirements while needing only minimal excavation. Road A is located in an already noisy corridor adjacent to I-25. We do not understand why the City and the developer are proposing a steeper grade road through our neighborhood that will negatively impact deer and elk herds and other wildlife migration and feeding routes. The amount of excavation required to build Hillcamp Trail is excessive (over 100,000 cubic yards) which introduces risks to residents from both safety and welfare standpoints. The obvious and prudent choice for Hillcamp access is Road A.

Please, City of Lone Tree, demand that Road A is the only appropriate choice for Hillcamp access. We are counting on you to protect your citizens and the bluffs that make Lone Tree unique and beautiful.

Sincerely,

Rodney and Sheri Owens